

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****WRIT PETITION (PIL) NO. 61 of 2015****FOR APPROVAL AND SIGNATURE:****HONOURABLE THE ACTING CHIEF JUSTICE MR. VIJAY MANOHAR SAHAI****and****HONOURABLE MR.JUSTICE R.P.DHOLARIA**

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

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ABDULJABBAR ABDULGAFFAR GHANCHI....Applicant(s)

Versus

MUNICIPAL COMMISSIONER &amp; 2....Opponent(s)

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Appearance:

MR AZIZ AN ALVI, ADVOCATE for the Applicant(s) No. 1

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE MR. VIJAY MANOHAR SAHAI**  
**and**  
**HONOURABLE MR.JUSTICE R.P.DHOLARIA**

**Date : 30/04/2015**

**ORAL JUDGMENT**

**(PER : HONOURABLE MR.JUSTICE R.P.DHOLARIA)**

This writ petition in the nature of public interest litigation has been filed by the petitioner ventilating grievance that in the Town Planning Scheme No. 199 and Survey Nos. 695, 696, 697/1 and 968/1 construction is being made illegally and he has prayed to demolish the alleged illegal construction made in the name of Azim Residency.

2. We have heard learned advocate Mr. Aziz Alvi for the petitioner. We have gone through the material available on record. On going through the material available on record, it is clearly revealing that previously Municipal Corporation, Ahmedabad, has taken action in pursuance of representation made by inhabitant of the society.

3. Indisputably, the present petitioner claims to be a public spirited person. He has not made any representation before filing the present petition. When the petitioner has got efficacious remedy by way of making representation to the competent authority and drawing their attention to the illegal construction, in such matters public interest litigation should not be entertained.

4. For the reasons aforesaid, this writ petition fails and is dismissed accordingly.

(V.M.SAHAI, ACJ.)

**(R.P.DHOLARIA,J.)**

(pkn)