

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13459 of 2018**

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DHANLAXMI INFRASTRUCTURE PVT. LTD

Versus

STATE OF GUJARAT

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Appearance:

NANAVATI AND NANAVATI(1933) for the PETITIONER(s) No. 1,2

for the RESPONDENT(s) No. 2,3,4,5,6,7

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
RESPONDENT(s) No. 1

MS JYOTI BHATT, AGP for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MS.JUSTICE BELA M. TRIVEDI**Date : 31/08/2018****ORAL ORDER**

1. The present petition has been filed by the petitioners apprehending action pursuant to the communication dated 20.08.2018 (Annexure A) issued by the respondent No. 6 -The Deputy Commissioner of Police, Traffic Department, Surat City.

2. It appears that the petitioner No. 1 is a company engaged in the business of carrying out activities and administration of the Shopping Mall situated at Tenement No. 85A-09-0011-0-011, bearing Final Plot No. 29, T. P. Scheme No. 4, Surat. The said Mall is in operation since 2013. The petitioner was served with a notice dated 24.07.2018 (Annexure H) by respondent No. 7 The Assisstant Commissioner of Police, Traffic Department, Surat calling upon the petitioner to submit documents in support of their charging fees for parking from the visitors of the Mall. The petitioners replied to the said notice on 25.07.2018 (Annexure I). The respondent No. 6 considering the said reply issued the impugned communication dated 20.08.2018

informing the petitioner as under:

“Thus as per the provision of Gujarat Development Control Regulations, it is mandatory for you to provide parking to the visitors without levying any kind of charges. We expect, your co-operation for better traffic regulation.”

3. From the bare reading of the said communication, it appears that the respondent No. 6 has only drawn the attention of the petitioners to the provisions of GDCR and expected the co-operation from the petitioners for better traffic regulation. As such the said communication does not indicate about any coercive steps or actions to be taken against the petitioners by the respondent No. 6. Hence, at present, there does not seem to be violation of any legal right of the petitioners by the respondent, which would require the petitioners to rush to this Court invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. At this juncture, the learned Senior Counsel Mr. S. I. Nanavati does not press for the present petition at this stage.

Subject to the aforesaid observations, the petition is disposed of, as not pressed for. Direct Service is permitted.

(BELA M. TRIVEDI, J)

SINDHU NAIR