

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) NO. 120 of 2021**

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DABHI DHIRABHAI RAMSHIBHAI

Versus

STATE OF GUJARAT

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Appearance:

MR MALAYKUMAR S PATEL(8901) for the Applicant(s) No. 1

for the Opponent(s) No. 2,3,4,5,6,7,8

MR DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER/PP(99) for  
the Opponent(s) No. 1, 2, 6

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE MR.  
JUSTICE R.M.CHHAYA**

and

**HONOURABLE MR. JUSTICE BIREN VAISHNAV****Date : 30/09/2021****ORAL ORDER****(PER : HONOURABLE THE ACTING CHIEF JUSTICE MR. JUSTICE  
R.M.CHHAYA)**

1. Heard Mr. Malaykumar S. Patel, learned advocate for the petitioner and Mr. Dhawan Jayswal, learned Assistant Government Pleader for the respondents no.1, 2 and 6 on advance copy.
2. The petitioner, by way of this Public Interest Litigation, has challenged the inaction of the respondent authorities to remove the encroachment made over the Gauchar land, situated at Village Khadasaliya, Taluka District Bhavnagar.

3. It is mainly contended that respondent no.5 is not taking any action under Section 105 of the Gujarat Panchayats Act, 1993. Though it is stated in the petition that the petitioner is not having personal interest in the matter and is an agriculturist, Mr. Patel, on inquiry made by the Court, contended that the petitioner had unsuccessfully contested the election of Sarpanch against respondent no.5.
4. Mr. Jayswal, learned AGP, on instructions, states that the District Development Officer has already initiated certain proceedings for the very cause, which is ventilated in this petition.
5. Without going into the said aspect, we relegate the petitioner to the authority of respondent no.4 - District Development Officer who is the concerned authority over the Gram Panchayat in the District. Liberty is reserved to the petitioner to apply for the cause which is ventilated in this petition before respondent no.3 - Taluka Development Officer as well as respondent no.4 - District Development Officer.
6. Accordingly, the petition is disposed of, without expressing any opinion on merits of

the matter. However, there shall be no order as to costs.

**(THE ACTING CHIEF JUSTICE R.M.CHHAYA, J)**

Maulik

**(BIREN VAISHNAV, J)**