

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 26386 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26387 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26389 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26390 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26391 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26392 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26393 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26395 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26397 of 2022

With

R/SPECIAL CIVIL APPLICATION NO. 26417 of 2022

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CHANDRASEKHAR RAJENET @ RAJNATH SINH

Versus

STATE OF GUJARAT

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Appearance:

**MR KARTIKEY KANOJIYA for MR DILIP L KANOJIYA(3691) for the
Petitioner(s) No. 1**

**IN SCA NOS.26386/2022, 26389/2022, 26391/2022, 26393/2022 and
26397/2022 : MR JAY A MEHTA, ASSISTANT GOVERNMENT PLEADER for
the Respondent(s) No. 1**

**IN SCA NOS.26387/2022, 26390/2022, 26392/2022, 26395/2022 and
26417/2022 : MR ASHUTOSH S DAVE, ASSISTANT GOVERNMENT
PLEADER for the Respondent(s) No. 1**

NOTICE SERVED BY DS for the Respondent(s) No. 2,3

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 30/12/2022

COMMON ORAL ORDER

1. When the matter is called out today, learned Advocate Mr. Kaushal D. Pandya submits that he has instructions to appear for the respondent No.2 – Surat Mahanagar Palika and seeks permission to file his Vakalatnama.
2. Permission as prayed for is granted.
3. It is submitted by learned Advocate Mr. Kaushal D. Pandya that the Notice issued on 09.12.2022 is required to be read in context that within 15 days of the notice, the person in whose possession or any other affected person would have the right to represent the authority. It is submitted that the petitioners were required to approach the Surat Mahanagar Palika with their representation and the concerned authority would have heard them. It is also submitted that instead of coming to this Court, the petitioners ought to have approached the authority raising their rights and disputes on the concerned land.
4. Countering the above, learned Advocate Mr. Kartikey Kanojiya for learned Advocate Mr. Dilip L. Kanojiya

submits that the said notice does not clarify the right of the petitioners of representing themselves before the concerned authority and/or to make a representation in connection with the land which has been ordered to be handed over to Surat Mahanagar Palika within 15 days of the notice.

5. Without entering into the merits of the case, this Court is of the view that the Surat Mahanagar Palika hears the petitioners and also permit the petitioners to make a representation along with the relevant / related documents, so that the principle of natural justice and the right to be heard be maintained.
6. In the result, it is directed that the petitioners herein approach the Surat Mahanagar Palika on **JANUARY 9, 2023** with their representation along with the relevant documents and the concerned Officer of the Nagar Palika to hear the petitioners and decide the same. During this period, no coercive action be taken by the Nagarpalika against the petitioners.
7. It is also made clear that if at all any adverse orders are passed against the petitioners, then no further

action be taken for a week qua the petitioners so as to enable the petitioners to challenge the said order as the concerned property bears the residential premises of the petitioners.

8. The petitions stand disposed of in the aforesaid terms.
Direct Service is permitted TODAY.

CAROLINE

Sd/-
(GITA GOPI, J)