

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11075 of 2025**

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SHREE SAMARTH WIND PARK PRIVATE LTD**Versus****SARPANCH - SUKAVALA GRAM PANCHAYAT & ANR.**

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Appearance:

MR.AKASH J PANDYA(7206) for the Petitioner(s) No. 1

MR.AMIT R JOSHI(6682) for the Petitioner(s) No. 1

MR. MAULIK M SONI(7249) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 26/08/2025****ORAL ORDER**

1. Heard the learned advocate Mr.Amit R. Joshi for the petitioner and learned advocate Mr.Maulik M. Soni for the respondent.

2. The present writ application is filed under Article 227 of the Constitution of India, seeking the following relief:-

“(A) Your Lordships be pleased to quash and set aside the order dated 03.07.2025 and 04.04.2025 at Annexure-A and B respectively to this petition, in the interest of justice;

(B) Pending admission and final disposal of the present petition, Your Lordships may kindly be stay the order dated 03.07.2025 and 04.04.2025 at Annexure-A and B respectively to this petition, in the interest of justice;

(C) Your Lordships be pleased to direct the respondent no.1 to consider the application at Annexure-C to this petition, in the interest of justice;

D) Your Lordships be pleased to remand back the captioned issue to hear a fresh on its own merits, in the interest of justice;

(E) Such other and further relief that is just, fit and expedient in the facts and circumstances of the case may be granted.”

3. After arguing for some time, the learned advocate, Mr. Joshi, under the instruction of his client, does not invite reasons in the matter but he would request this Court that liberty may be reserved in favor of the petitioner to challenge the unconstitutional action of the respondent - Panchayat, whereby the petitioner has been selectively harassed, which, according to the petitioner, is in violation of Article 14 of the Constitution of India.

3.1 So, the learned advocate, Mr. Joshi, would request this Court that the petitioner may be permitted to file a writ petition under Article 227 of the Constitution of India challenging such action of the respondent.

4. Permission sought for is granted.

5. It is open for the petitioner to file an appropriate application seeking appropriate relief before this Court challenging the unconstitutional or any action which violates

the fundamental rights of the petitioner.

6. It is further made clear that observations made by the Trial Court while refusing the injunction, and as also confirmed by the Appellate Court while dismissing the appeal of the petitioner, would not come in the way of the petitioner while filing writ petition under Article 226 of the Constitution of India.

7. At the same time, the petitioner cannot be permitted to seek relief which was already sought in the civil suit.

8. At this stage, it is pointed out by the learned advocate, Mr. Joshi, that a request letter dated 14th July 2025 was submitted by the petitioner to the respondent-Panchayat as well as other respondent authorities and the same be considered them.

9. Considering the fact that there is an electrical pole installed and the supply of electricity might have been interrupted because of its proposed removal, a pragmatic approach may be taken by the respondent authorities in

response to the request made by the petitioner.

10. It is further made clear that this Court has not expressed any opinion on the merits of the matter.

11. With the aforesaid observation and clarification, the present application is disposed of as not pressed. No order as to costs.

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(MAULIK J.SHELAT,J)