

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7277 of 2025****With****CIVIL APPLICATION (DIRECTION) NO. 1 of 2025****In R/SPECIAL CIVIL APPLICATION NO. 7277 of 2025**

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MUKESH BHANWARLAL BHANDARI & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MS VIDHI J BHATT (6155) for the Petitioner(s) No. 1,2,3****G H VIRK (7392) for the Respondent(s) No. 2,3****MR DILIP R SHAH (11604) for the Respondent(s) No. 2,3****NOTICE SERVED BY DS for the Respondent(s) No. 1**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date: 17/06/2025****ORAL ORDER**

1. The captioned writ petition is filed challenging the notice dated 23.04.2025, under which, petitioners were called upon to vacate the subject premises used as Paying Guest Hostel (P.G. Hostel) within a period of 7 days.

2. This Court issued notice on 22.05.2025. Thereafter, order dated 11.06.2025 was passed by respondent – Corporation putting seal on the subject premises, on the ground that petitioners are using the premises as P.G. Hostel and not Home Stay as stated in the petition. The petitioner No.1 as owner had leased the subject premises to petitioner Nos.2 and 3 who are running the P.G. Hostel by accommodating 08 other guests. It is case of respondent-

Corporation that use of subject premises by petitioner nos. 2 and 3 is contrary to the Home Stay policy as also without permission to run P.G. Hostel. Whereas, it is case of the petitioners that after order dated 11.06.2025, the petitioners had filed an application seeking registration of Home Stay before the State Authority and the same was pending and therefore, the order dated 11.06.2025 of seal may not be acted upon. Considering the pendency of the petitioners' application seeking registration of the subject premises for Home Stay, an order dated 13.06.2025 was passed directing the respondent – Corporation to open the seal. The matter was thereafter adjourned to 17.06.2025.

3. Learned Government Pleader Mr. G.H. Virk for respondent-Corporation submitted that pursuant to the directions dated 13.06.2025, original petitioners along with 8 other guests were permitted to occupy the said premises by opening of the seal. Further, reply on behalf of respondent-Corporation is served to Learned Advocate for the petitioners. Referring to averments made in the affidavit in reply and the documents annexed, learned GP submitted that the premises is being used as P.G. Hostel, for which, no such permission is sought from respondent Corporation. Thus, false averments are made on oath that the subject premises is used as Home Stay. Therefore, the petitioners may not be permitted to use the subject premises illegally, accordingly the seal order dated 11.06.2025 may be restored.

4. Learned AGP Mr. Sahil Trivedi for the State submitted that the application filed by the petitioners seeking registration of Home Stay of the subject premises has been rejected and the affidavit placing the said order on record shall be filed during course of the day. Therefore, the petitioners may not be allowed to use the subject premises and the order dated 11.06.2025 may be acted upon.

5. In response Learned advocate Ms. Vidhi Bhatt for the petitioners submitted that the reply of Corporation dated 16.06.2025 has been received today and therefore a week's time may be granted to file rejoinder. Till next date, the direction to use the subject premises may be continued. In relation to the order rejecting application of petitioners seeking registration as Home Stay, Learned Advocate submitted that the said order is not received till date.

6. Considered the submissions of respective parties. It is noticed that the notice dated 23.04.2025 and order dated 11.06.2025 are challenged on the ground of use of subject premises by petitioners as Home Stay. The non-registration of subject premises as Home Stay and subsequent rejection of the same is not in dispute. Communication of rejection order through email as also through online portal cannot be ignored.

7. Therefore, in the opinion of this Court, the petitioners cannot be permitted to run the business by having illegal use of the subject

premises. On the above fact situation, it is directed that order dated 13.06.2025 directing the respondents to open the seal and to permit the petitioners to use the subject premises is continued for further period of one week from 17.06.2025. In the meantime, it is open for the 8 guests (other than petitioner Nos.2 and 3) to make alternative arrangements for their stay.

8. The matter is adjourned to 24.06.2025.

9. At this stage, considering the averments made in the affidavit of respondent corporation that for use of premises either as Home Stay or as P.G. Hostel, necessary registration/ permission from the concerned authority is mandatory. Moreover, conditions referred in the policy are also required to be fulfilled. Therefore, this Court deems it appropriate to direct respondents to widely publicize by appropriate means the requirements to be fulfilled prior to use of premises either as Home Stay or P.G. Hostel.

(MAUNA M. BHATT,J)

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