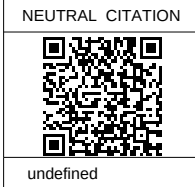
**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 8 of 2023****DEVRAJBHAI TULSIBHAI PATEL****Versus****STATE OF GUJARAT & ORS.****Appearance:**

MR. SHYAM K SHELAT(6552) for the Applicant(s) No. 1
SHRI KAMAL TRIVEDI, ADVOCATE GENERAL, GURSHARANSINGH H
VIRK(7392) GOVERNMENT PLEADER, VINAY B VISHEN ASSISTANT
GOVERNMENT PLEADER for the Opponent(s) No. 1,5,6
MR GURSHARAN VIRK WITH MR SIMRANJITSINGH VIRK for opponent(s)
No. 5,6
MS HINA DESAI(1023) for the Opponent(s) No. 7

**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE PRANAV TRIVEDI****Date : 25/04/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. Heard learned counsel for the petitioner and perused the record.
2. The present Public Interest Litigation has been filed by a practicing advocate in District Ahmedabad raising an issues pertaining to the rehabilitation of the inhabitants of Sabarmati Ashram complex in view of the decision of this Court vide judgement and order dated 08.09.2022 in Writ Petition (PIL) No.137 of 2021.
3. We may note that by means of the aforesaid Public Interest Litigation, the proposed project for the re-development of Gandhi Ashram Memorial was sought to be opposed being against the wishes and belief of late Shri Mahatma Gandhi. It is brought before us by the learned Advocate General that during the course of



inquiry, this Court could identify different trusts operating and having interest in the entire Ashram property vested with the respondent No.5 therein. Attention of the Court is invited to Paragraph No.104 of the judgement in this regard. It is further pointed out that ultimately the issues pertaining to the re-development of Sabarmati Ashram (Gandhi Ashram Memorial) and rehabilitation of its inhabitants, were adjudicated and following orders was passed:-

“111. It was clearly shown in the said virtual display about the steps taken hitherto, proposed steps to be taken and the manner in which the re-rehabilitation of the existing inhabitants of the Ashram are being relocated including shifting of the said persons to a newly constructed four bedroom apartments which buildings are ready for being occupied. Few of the proposals which were depicted in the virtual hearing are as follows : -

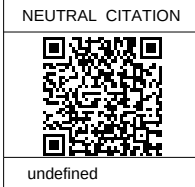
(a) As has already been referred to in paras 10.2 and 14.5 of affidavit-in-reply dated 26.04.2022, the Chandrabhaga rivulet, which is presently a nalla is to be developed as a pleasant urban waterway.

(b) Furthermore, the proposed project envisages new museums and exhibition centres to enable visitors to learn more about Gandhian history and philosophy.

(c) in addition to the above, augmented facilities that are necessary such as cafeteria, parks and other amenities will be developed.

(d) In addition to the above, noise from traffic on Ashram road hampers the Ashram's environment because of which, it is necessary to divert the Ashram road to go around the expanded Ashram.

(e) Further, a dedicated parking lot will also be constructed as due to lack of space, vehicles are required to be parked in the proximity of Hriday Kunj, and Udhyog Mandir, which vitiates the



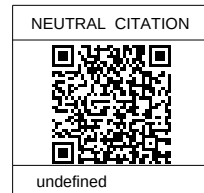
Ashram's sanctity.

(f) Presently, Gandhi Ashram as it stands today receives 10 lakhs visitors annually, but after the implementation of the proposed project, the numbers of visitors are expected to increase.

(g) About 260 families of Ashramwasis/ long term tenants residing within the Gandhi Ashram Memorial to be rehabilitated with consent, with the following options :

- (i) Ownership of 4BHK flat in prime locality of Ahmedabad, i.e. Naranpura; or
- (ii) 3BHK Tenement in "Ashram Housing Campus" in an area adjacent to the Gandhi Ashram Memorial, within the SPD Zone; or
- (iii) A generous one-time monetary compensation of 60 lakhs.

112. In conclusion, this Court has to necessarily hold that the proposed project would not only promote the ideas and philosophy of Mahatma Gandhi which would for the benefit of society and mankind at large. The said Gandhi Ashram would be a place for learning for all age groups. The proposed plan of action as demarcated in the plan Annexure 5 appended to the affidavit dated 25.07.2022 would clearly indicate the existing and proposed Gandhi Ashram. In fact respondent No.1 has assured this Court that the project envisaged to be carried out would be with the consent, cooperation and guidance of respondent nos.3 to 7 the trust and such assurance has got fortified by ensuring the representations of the respondent - trust, as noted hereinabove having been included as Members while constituting the Governing Council. In fact the manner in which the restoration of the Ashram is to take place has been entrusted to the third respondent by calling upon it to furnish the "concept note" regarding maintenance of Gandhi Ashram as it presently stands and the research work of the same is being carried out by the Gujarat Vidhyapith in association with respondent no.3 which is an institution established by Mahatma Gandhi himself. By responding to the said request

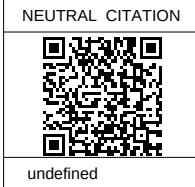


made by the Chairman of the Executive Council of the third respondent by communication dated 13.12.2021 vide Annexure IX (appended to the affidavit dated 25.07.2022 filed by first respondent as Sur-rejoinder) has forwarded the concept note prepared by it.

113. Respondent no.1 in its affidavit dated 25.04.2022 has stated proposed project will not alter the topography of the Gandhi Ashram and will not go against Gandhian ethos of simplicity and frugality. It has been further contended as under:

“10.1 It is the petitioner’s fear that the proposed project will ‘change the physical structure of the ashram and corrupt its pristine simplicity and frugality that embodies the ideology of Gandhiji and make the same diametrically opposite to the Gandhian ethos of simplicity and frugality’. I respectfully say that the so-called fear of the petitioner is without any sound basis and is based on a complete misunderstanding of the objectives of the project, that the Gandhi Ashram is to be developed in a manner, that it can aptly reflect the real sense as to how the Ashram was like when Gandhiji was living there. Further, the project seeks to restore the original buildings of the Ashram, most of which are in dilapidated condition. The idea of the proposed project is to ensure that the Gandhian ethos can be kept alive and nurtured for the benefit of the present as well as the future generations. The Gandhi Ashram outside the 5 acre land, is in no way a testament of the Gandhian ethos of frugality or simplicity. In fact, the Gandhian ethos of frugality and simplicity will be highlighted more by the proposed project.

10.2 Moreover, merely because necessary facilities such as a cafeteria and parking are envisaged in the proposed project, does not in itself mean that the Gandhi Ashram will lose its essence. It is difficult to fathom why the



petitioner has an objection with the Gandhi Ashram to be made as a world-class museum and a tourist destination, when the same would mean that the philosophy, teachings and life work of Gandhiji will reach a large audience and will be preserved in the best possible manner. Today, the 5 acres entrusted to SAPMT is identified as Gandhi Ashram which houses 11 original Ashram buildings out of 63. Out of the said 11 buildings, only 3 are open for visitors. The facilities therein are not sufficient and engaging enough for visitors. Moreover, the rest of the Ashram land is fragmented and utilized for varied purposes. The proposed project seeks to undo the said fragmentation and bring to life the essence of Gandhi Ashram as it originally stood. In view thereof, the 5 acre campus is to be expanded to 55 acres so as to include all 48 original Ashram buildings. The Chandrabhaga rivulet, which is presently a nalla is to be developed as a pleasant Urban waterway. The Gandhi Ashram as it stands today lacks various amenities necessary for visitors, which will be provided for. Thus, the project seeks to recreate the Ashram with its tranquil environment, while preserving the Gandhian ethos and at the same time, developing it as a place of learning and information about Mahatma Gandhi's life. I respectfully say that as a descendant of the Father of our Nation, it is expected of the petitioner to take pride in the fact that extensive and sincere efforts are being made to preserve the legacy of Gandhiji, instead the petitioner has only exhibited discontent for no sound reason.

10.3 I respectfully say that therefore, the proposed project will not change the topography of the Gandhi Ashram, but will recreate and revive the Gandhi Ashram as it originally stood while accentuating its frugality and simplicity coupled with its calm and tranquil atmosphere.

13. I respectfully say that the contentions raised by



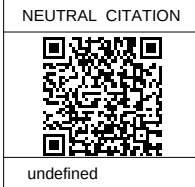
the petitioner in the entire captioned petition, are belied in view of the fact that a sincere effort is being made by Respondent State to develop the Gandhi Ashram as it originally stood, and the said exercise is to be done with the guidance of Respondent nos.3 to 7 Trusts. I respectfully say that the petitioner has made a disconcerted effort and made frivolous averments, for the sake of it, to malign the proposed project and has painted a distorted picture, without any sound basis.”

114. In the affidavit-in-sur-rejoinder dated 25.07.2022 filed by 1 st respondent, it is contended as under:

“6. I respectfully say that the petitioner has averred that by way of the proposed project, institutions like the respondent no. 4 – Khadi Prayog Samiti and Kalam Khush will be displaced which will result in disruption of their activities and the same may be irreparably lost. Further, the petitioner has averred that the Vidya Mandir School is being closed down and relocated due to the redevelopment project, as a result of which students are bound to drop out. Therefore, the petitioner contends that in the name of redevelopment of what is popularly known as Gandhi Ashram, the proposed project makes a mockery of the Gandhian ideal of Antyodaya. In this regard, I respectfully say that the contentions of the petitioner have no sound basis and are based completely on conjectures and surmises. In this behalf, I beg to state as under : -

a. I respectfully state that so far as respondent no. 4 – Khadi Gramudyog Prayog Samiti is concerned, its buildings are not falling within the area of 5 acres of the Gandhi Ashram as it stands today, but fall within the area of 55 acres meant for ‘Gandhi Ashram Memorial’.

b. I further state that Kalam Khush is one of the activities undertaken by a trust called “Gujarat



Khadi Gramodhyog Mandal”, which has not been impleaded in the captioned proceedings and the said building along with its premises also do not form a part of the 5 Acre Gandhi Ashram as it presently stands. Neither does it form part of the proposed 55 Acre memorial campus.

c. With the due permission and consent of the Gujarat Khadi Gramodhyog Mandal, the proposal project has been planned to promote Khadi and other activities by developing the entire campus in a way that informs and illuminates the working of Khadi Weaving, Charkha Making, Handmade Paper Making, Soap Making, etc. By incorporating working models thereof. Thus, the proposed project seeks to elevate the activities of Gujarat Khadi Gramodhyog Mandal with the consent and additional support by Khadi and Village Industries Commission.

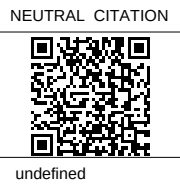
d. Importantly, vide Government Resolution No. PVS-102021-381-S dated 24.03.2022 (Annexure-R3 @ pg. 152), one of the trustees of the said trust, Shri Malji Bhai Desai is a Member of the Governing Council of MGSAMT. At this juncture, it may be pertinent to note that most of the visitors are unaware of the varied work carried out in the campuses like Kalam Khush. Therefore, with a view to preserve and promote teh same, the proposed project shall directly link the Kalam Khush Campus with the Memorial Campus. As a result, the Kalam Khush campus would be a source of inspiration to each and every aspirant visiting the Ashram. The proposed project envisages a platform not only for the entrepreneurs associated with the segment of handmade crafts but to every entrepreneur and daily visitors. The proposed project seeks to promote Kutir Udhyog as one of the ideals of Gandhi across the globe and it also proposes to develop a museum shop for all the



trusts affiliated with Khadi, Village or Kutir Udhyog.

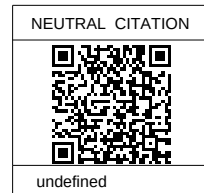
e. With respect to Vidya Mandir, I respectfully say that the proposed project does not intend to close down the school, or any other educational institution with the 55 Acre Memorial Campus. On the contrary, the project proposes to create a dedicated Educational Campus befitting to Gandhian ideologies, whereby the said Educational Campus shall not only house the Vidya Mandir School, but many other similar educational buildings. The said Educational Institutions are being run by the respondent no. 5 - Harijan Ashram Trust. The project has received an in- principle consent on the project from the respondent no. 5 Trust and pertinently, the Trustee of the respondent no. 5 - Harijan Ashram Trust, is the member of the Governing Council of Mahatma Gandhi Sabarmati Ashram Memorial Trust vide Government Resolution No. 102021-381-S dated 15.06.2022. At this juncture, I may state that the Educational Campus envisaged in the proposed project will only raise the experiential standard of education of the students with the ideals and ethos of Mahatma Gandhi and will be to their advantage.

7. I respectfully say that in para 7 of the affidavit-in- rejoinder, the petitioner first states that Respondent No. 5 - Harijan Ashram Trust is the 'sole custodian of the property'. However, subsequently in para 12, the petitioner goes on to contend that respondent no. 2 - Gandhi Smarak Nidhi legally through a registered deed transferred the 4.5/5 acre plot of land to respondent no. 3 - SAPMT, establishing the fact that respondent no. 2 - Gandhi Smarak Nidhi had legal custodianship/ownership right on the Ashram land. Thus, on the fact of it, the contents of entire affidavit- in-rejoinder lack in substance insofar as the petitioner takes a particular stand in one paragraph and takes a diametrically opposite



stance in the other paragraph. Nevertheless, with respect to the afore-stated contention, I most humbly state that, based on the available record dated 24.01.1952, the land and other immovable properties admeasuring approximately 34120 sq. yds. were transferred to respondent no. 3 - SAPMT by respondent to No. 5 - Harijan Ashram Trust. In view thereof, the contention that Gandhi Smarak Nidhi has any legal right on the Ashram land is devoid of merits. At this juncture, it may be stated that the petitioner does not appear to be certain as to which trust is the sole custodian of the Ashram land because in the memo of the captioned petition, it was contended that respondent no. 2 - Gandhi Smarak Nidhi was the sole custodian, whereas in the draft amendment dated 26.04.2022, it was contended that the respondent no. 7 - Harijan Sevak Sangh was the sole custodian. However, at the cost of repetition it may be stated that the Ashram lands admeasuring approximately 120 acres were legally transferred to respondent no. 5 - Harijan Ashram Trust, which had complete authority over said lands. It was in exercise of the said authority, that the lands came to be transferred / leased to respondent no. 3 to 7 trusts for varied uses. Therefore, in reality, neither respondent no. 2 - Gandhi Smarak Nidhi nor respondent no. 7 - Harijan Sevak Sangh are sole custodians of the Ashram Land or have any authority or decision making power in respect of the same."

115. We do hope and trust the assurances made to the Court by respondent No.1 in its affidavits dated 25.04.2022 and 25.07.2022 would not only be followed in its letter and spirit but would also implement the same in right perspective by ensuring Gandhian ideals are well preserved, nurtured and spread across the Globe by receiving the inputs from such quarters as it deems fit in furtherance of the avowed object with which the project has been conceived.



116. Hence, we are of the considered view that the apprehension expressed by the petitioner would stand allayed for the reasons indicated hereinabove and by placing the submission and undertaking of the learned Advocate General on record which is to the effect that the existing Gandhi Ashram located in an area of five acres would not be disturbed or altered and/or changed, the petition stands disposed of by rejecting the prayer of the petitioner for quashing of the Government Resolution dated 05.03.2021. Hence, point formulated is answered in the negative. This Court places on record the valuable assistance rendered by the learned advocates appearing for the parties and addressing erudite arguments in a time bound manner. We make no order as to costs."

4. It is further pointed out that the judgment and order dated 08.09.2022 passed by this Court in Writ Petition (PIL) No.137 of 2021 was subjected to challenge before the Apex Court, wherein the Special Leave Petition (Civil) Diary No(s).12965 of 2025 has been dismissed on merits vide judgement and order dated 01.04.2025 by the Apex Court in the following manner:-

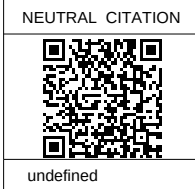
"We have heard learned counsel appearing for the petitioner and the learned Solicitor General both on the delay as well as on merits.

We find no reason to interfere with the impugned order.

Learned counsel appearing for the petitioner insisted that there might be a breach of the undertaking given by the State which had been duly taken note of and recorded while disposing of the Writ Petition by the High Court.

This being a mere apprehension, the same cannot be a ground to challenge the impugned judgement before us.

If the petitioner has got any grievance with respect to any violation of the undertaking which has been taken note of by the High Court, his



remedy lies elsewhere.

The Special leave Petition is dismissed both no delay as well as on merits.

Pending application(s), if any, shall stand disposed of.”

5. Taking note of the above, we may record that in the present petition the petitioner has made the following prayers:-

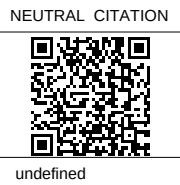
“PRAYER/S

(A) Admit and allow this writ petition-Public Interest Litigation.

(B) The Hon’ble Court be pleased to issue any writ, order or direction to the Respondents authorities and Trust directing them to undertake that Respondents authorities will protect and preserve the buildings established (constructed) in the era of Mahatma Gandhi mentioned in ANNEXURE-J.

(C) Be pleased to direct the Respondent authorities that no other Trust will collect donations amount from the public operating from within Gandhi Ashram precinct, except the Trust formed by the Mahatma Gandhi i.e. Sabarmati Harijan Ashram Trust.

(D) Be pleased to hold that Manav Sadhna Trust operating by one of the Trustee of Original Sabarmati Harijan Ashram Trust and that too within the Gandhi Ashram precincts has resulted in deprivation of donations fund in the name of Sabarmati Harijan Ashram Trust and Manav Sadhna Trust is doing activities sitting in the Gandhi Ashram Ashram is illegal, bad and void and could not have been registered by the Office of Charity Commissioner, Gujarat State, at the address of the Sabarmati Harijan Ashram Trust and be further pleased to direct the Respondent Trust i.e. Manav Sadhna trust to stop operating from Sabarmati Harijan



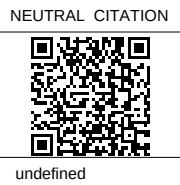
Ashram Trust and Gandhi Ashram premises.

(E) Be pleased to hold that in view of the conditional development permitted by the Hon'ble High Court of Sabarmati Harijan Ashram in Writ Petition (PIL) No.137 of 2021 the properties mentioned at ANNEXURE-J be preserved.

(F) Be pleased to direct that the concerned Respondent authorities that Respondent authorities will undertake to continue the operation of the Schools inside the precincts of the Sabarmati Harijan Ashram which has been started by the Mahatma Gandhi.

(G) Issue of of Mandamus or any other appropriate writ and be pleased to direct the respondent authorities to produce before the Hon'ble Court the list of Original Grantee's of various parts of the Gandhi Ashram for various purposes and various constructed Properties before 1960 for Ashram Vasi's and for various activities together with the details of subsequent illegal constructions made by various persons including family members of Original Grantee s and payment made/agreed to be paid from Public Exchequer, to such persons who are in fact not authorized to get and to furnish the details as to the eligibility criteria for vacating the present possession and giving them money/Flats in lieu of money in furtherance to the Development Scheme of Gandhi Ashram Properties, before this Hon'ble Court and be pleased to pass appropriate direction in the matter, in public interest.

(H) This Hon'ble Court be pleased to direct the Respondent authorities to recover the illegal money/flat in lieu of money paid unauthorized encroachers and trespassers who have made construction unauthorized without Development permission and in absence of any resolution from the Harijan



Ashram Trust and the authorities be directed to deposit back the said funds/properties within stipulated time frame as may be directed by this Hon'ble Court.

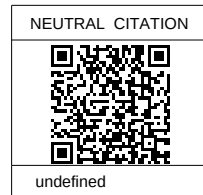
(I) The Hon'ble Court be pleased to appoint appropriate Independent Auditor or authority to scrutinize the details of the occupiers including their legality of the constructions and the amounts paid to the encroachers and the ineligible persons, to achieve the aim and object of the present petition.

(J) The Hon'ble Court be pleased to give appropriate directions to the authorities that except the Original Trust to whom the Sabarmati Harijan Ashram property belong no other Trust including Manav Sadhna Trust which are operating and developing their own Trust, shall operate from the precincts of Gandhi Ashram and their registration should be appropriately changed and to operate from Outside the Sabarmati Harijan Ashram.

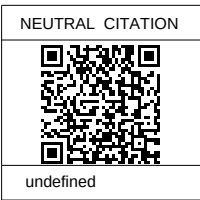
(K) Be pleased to direct Manav Sadhna Trust not to operate is the Trust set up by Late Mahatma Gandhi and the Original property which belong to Satya Grah Ashram Trust now known Sabarmati Harijan Ashram Trust, cannot be allowed to be utilized by such new Trust created for private purposes and private benefits. The same can be verified from the Financial Accounts of Both the Trust. i.e. Sabarmati Harijan Ashram and Manav Sadhna trust.

(L) Pending hearing and final disposal of the present Writ petition the further disbursement of the amounts as pointed out in the present writ petition be stayed and no further disbursement be made without the permission of this Hon'ble Court.

(M) The Hon'ble Court be pleased to pass such other and further order/s deemed appropriate in the peculiar facts and circumstances of the present case."



6. The issues essentially sought to be raised by the petitioner by means of the present petition pertaining to the activities of some Manav Sadhna Trust, with the contention that the said Trust is illegal, bad and void and could not have been registered by the office of the Charity Commissioner, Gujarat State at the address of Sabarmati Harijan Ashram Trust and as such the direction to be issued to stop operating the said Trust from Gandhi Ashram premises.
7. The further prayer is to ensure that the development of the Gandhi Ashram is made as permitted by this Court, namely Writ Petition No.137 of 2021.
8. During the course of arguments, it is sought to be submitted by learned counsel for the petitioner that hundreds of crores of rupees from the government exchequer have been misutilized in the process of rehabilitation/relocation of families from the Gandhi Ashram. The attention of the Court is invited to the averments made in the writ petition and a chart appended thereto to submit that the persons mentioned therein to whom benefits have been granted were either encroachers or unauthorized occupants. The submission is that an inquiry is required to be made by this Court in the manner in which the rehabilitation and relocation process has been completed under the directions issued by this Court. However, suffice it to note that none of the alleged illegal occupants or encroachers are impleaded in the writ petition. The averments made in the writ petition without impleading the beneficiaries cannot be appreciated. Moreover, the prayers made in the writ



petition are essentially pertaining to the alleged illegal activities of Manav Sadhna Trust within the precincts of Harijan Ashram Trust for which appropriate remedy for the petitioner to approach the Charity Commissioner.

9. In any case, on the apprehensions raised by the petitioner without any substance brought before us, no roving inquiry can be conducted. The writ petition is, accordingly, dismissed being misconceived. No order as to costs.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR