

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1010 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 898 of 2025****With****CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025****In R/SPECIAL CIVIL APPLICATION NO. 898 of 2025**

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PIRAJI NEMAJI RABARI & ORS.

Versus

MAMLATDAR AND EXECUTIVE MAGISTRATE & ORS.

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Appearance:

MR PJ MEHTA(467) for the Petitioner(s) No. 1

MR GURUSHARAN H. VIRK, GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 29/01/2025****ORAL ORDER**

1. Learned Government Pleader Mr. Gurusharan Virk has tendered an affidavit by the Mamlatdar and Executive Magistrate, Danta, District Banaskantha. The said affidavit is pursuant to the oral direction of this Court to the State Government to find some appropriate solutions, more particularly since the petitioners are alleging displacement, on account of redevelopment of a temple. The said affidavit inter alia states that the petitioners have been evaluated and have been found eligible for grant of benefits out of the Pradhanmantri Awas Yojna - Gramin. The affidavit further inter alia states that provision for interregnum stay of the petitioners within 01 km. radius of the present residential accommodation of the petitioners, which is in the nature of encroachment is also envisaged. It is also envisaged that the temple trust would provide free meals to all encroachers i.e. the petitioners twice a day, till such time the petitioners desire to avail such benefits.

2. Upon the affidavit being tendered, learned Advocate Mr. Mehta for the petitioners would submit that he would require some time to consider the proposal and whereas it is submitted that the petitioners would be entitled to much more compensation/benefits than what has been offered by the State. Upon such a submission being made by learned Advocate Mr. Dave, learned Government Pleader Mr. Virk, under instructions, would withdraw the affidavit and would request that the State would then want to contest the petition. Under such circumstances, the affidavit is returned back to the Government and whereas the following order is passed :

- (i) Issue **Notice** to the respondents returnable on **19.03.2025**.
- (ii) In view of the aforesaid developments, interim relief is refused.

3. Learned Advocate Mr. Mehta would request that the petitioners would want to challenge this order and therefore this Court may stay the order for a period of three weeks. In view of the aforesaid observations, the request made by the learned Advocate Mr. Mehta is rejected.

BDSONGARA

(NIKHIL S. KARIEL,J)