



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 13155 of 2025**

=====

HEBATKHAN JAFARKHAN PATHAN & ORS.

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR YUSUFKHAN PATHAN(3799) for the Petitioner(s) No. 1,2,3,4,5,6

G H VIRK(7392) for the Respondent(s) No. 4

MR SAHIL TRIVEDI ASST. GOVERNMENT PLEADER for the Respondent(s)
No. 1,3

MR DEEP D VYAS(3869) for the Respondent(s) No. 2,4

=====

CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 08/01/2026

ORAL ORDER

1. This petition is filed challenging the notice dated 18.08.2025 (Annexure G, Page No. 80), whereby petitioners have been directed to remove encroachment on the ground that the construction is on a water body. Under the said notice, petitioners have been given 21 days time to remove encroachment failing which appropriate action under the provisions of the Gujarat Provincial Municipal Corporations Act, 1949, has been indicated.

2. Heard learned advocate Mr. Yusufkhan Pathan for the petitioners and learned Assistant Government Pleader Mr. Sahil Trivedi for respondent Nos. 1,3 and learned advocate Mr. Deep D



Vyas for respondent No.2,4.

3. Learned advocate for the petitioners submitted that the notice dated 18.08.2025 is illegal and deserves to be quashed and set aside. Against the notice dated 18.08.2025, the petitioners have raised detailed objection dated 19.08.2025 (Annexure H, Page No. 82). In the said objections, the history of the land in question has been incorporated. The land in question has been given to the petitioners since Vatva was Inami village.

3.1. Learned advocate also relied upon other objections raised in the representation dated 19.08.2025. Learned advocate further submitted that no hearing is provided to the petitioners, prior to the notice dated 18.08.2025. Learned advocate conceded that if the personal hearing is provided to the petitioners and the objections raised by the petitioners under their representation dated 19.08.2025 is considered, his grievance would be redressed. Certain documents along with the copy of judgments have also been placed by Mr. Pathan. Further, if hearing is provided, the petitioners or their representative would appear before the authority and make their case good by placing reliance on the documents which are produced along with the petition.

4. Learned advocate Mr. Deep Vyas for the respondents



submitted that notice itself is clear which states that alleged construction is on the water body. Moreover, the 7/12 extract records the ownership of land with the State.

5. Considering the submissions and noticing the peculiar facts and circumstances of this case, this Court deems it appropriate to direct the respondent No. 4 - authority to consider the petitioners' objection dated 19.08.2025 along with providing him a personal hearing. It is open for the petitioners to raise other grounds and to produce additional documents when the personal hearing is provided to the petitioners. For the aforesaid purpose, it is open for respondent No. 4 - authority to give notice by fixing date and time. The petitioners are directed to co-operate with the proceedings.

5.1. Noticing that the issue involved in SCA No.15082 of 2017, similar, the stay granted in Special Civil Application No.15082 of 2017 would not come in a way of providing opportunity of hearing and to pass order as directed hereinabove.

6. With this, the present petition is disposed of.

(MAUNA M. BHATT,J)

SHIVANI SHUKLA/17