

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 16501 of 2025**

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RANJANA MULCHANDBHAI SHITLANI**Versus****GUJARAT HOUSING BOARD & ORS.**

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Appearance:**MR. AMIT M LASHWANI(17434) for the Petitioner(s) No. 1****MS. ANMOL D GANWANI(17435) for the Petitioner(s) No. 1****MR G H VIRK, GOVERNMENT PLEADER,****MR S. H. VIRK, ADVOCATE with****MR JAGRAT SHAH, ADVOCATE for the Respondent(s) No. 1****MR RITURAJ M MEENA(3224) for the Respondent(s) No. 2**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 08/12/2025****ORAL ORDER**

1. This petition is filed challenging the notice dated 20.11.2025 under which the petitioner has been directed to remove encroachment done on a public footpath within a period of 15 days.

2. Heard learned advocate Ms. Anmol Ganwani for the petitioner. Learned advocate for the petitioner submitted that petitioner is a Power of Attorney holder of the property in question in Krushnanagar, Naroda, Ahmedabad. The petitioner is holding Power of Attorney from the original holder of the property and therefore he is the owner of this premises. Learned advocate submitted that regularly tax bills and other bills are paid to the Municipal Corporation and therefore the



petitioner being the owner of the property, she is entitled for such construction which she has done. Learned advocate submitted that however before issuance of notice dated 20.11.2025 procedure as contemplated under the provisions of the Gujarat Housing Board Act, 1961 has not been followed and hence the notice deserves to be quashed and set aside.

2.1 Learned advocate for the petitioner further submitted that original allottee of the property in question has given Power of Attorney in favour of the petitioner and thereafter, from that year the petitioner is maintaining and paying taxes for this property. The petitioner is in possession of this property since many years and since the notice was issued without following the procedure and in breach of principles of natural justice, the same deserves to be quashed and set aside. Further, to the notice dated 20.11.2025 reply has been filed and therefore, the petitioner may not be dispossessed from the property in question.

3. Learned advocate Mr. S. H. Virk for respondent – Corporation submitted that petitioner has no locus to file this petition because the notice dated 20.11.2025 is not issued to the petitioner and the name of the petitioner is handwritten. Factually notice has been issued to the original allottee of the property in question who has agreed for redevelopment as per the provisions of the Gujarat Housing Board Act, 1961. Moreover, the encroachment from the photographs is evident on the footpath which under any law is not permissible.

3.1 Learned advocate Mr. Virk for respondent – Corporation



further pointed out that the Power of Attorney on which reliance is placed by the petitioner is not from the original allottee but by some third party.

4. Considered the submissions. It is noticed that long possession will not create any ownership right in favour of the petitioner. Petitioner in this case has failed to establish that the petitioner is owner of subject premises in question. In the petition filed under Article 226 of the Constitution of India, the title fo the property cannot be decided. Moreover, the submission that the notice dated 20.11.2025 of eviction is not issued to the petitioner merits acceptance. The petitioner being the encroacher is rightly directed to remove the encroachment and there being no illegality in the notice dated 20.11.2025, this petition deserves to be rejected.

5. In view of above, the present petition is rejected.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI