

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 206 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MRS. JUSTICE MAUNA M. BHATT** **sd/-**

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Approved for Reporting	Yes	No
		No
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ROHIT VALLABHABHI VASANI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AJ YAGNIK(1372) WITH MR AISHWARY B. GUPTA for the Petitioner(s)

No. 1,2,3,4,5

MR G H VIRK(7392), LD. GOVERNMENT PLEADER WITH MR SH VIRK,

MR JAGRAT SHAH, MS NENCY SHETH, MS RIYA NAVIN,

LD.ADVOCATES FOR for the Respondent(s) No. 2,3

MR SAHIL TRIVEDI, LD.ASSTT. GOVERNMENT PLEADER for the

Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 09/01/2026****ORAL JUDGMENT**

1. Rule returnable forthwith. Learned Assistant Government Pleader Mr.Sahil Trivedi waives service of Rule on behalf of respondent No.1 and learned advocate Mr.S.H.Virk waives service of Rule on behalf of respondent Nos.2 & 3.

2. This petition is filed challenging Notice dated 05.03.2025 Annexure "A" (Page-30), whereby the petitioners have been informed that on account of change in use of premises, their

premises would get sealed. The petitioners under the said Notice are also informed that change in use permission is required to be stopped.

3. Heard learned advocate Mr.A.J.Yagnik for the petitioners. Learned advocate for the petitioners submitted that the petitioners herein are not the original allottee of the premises in question. It is true that Gujarat Housing Board being original allottee, has allotted residential premises to the original allottee, however, the same have changed hands and at present, the petitioners are owners of the properties in question by way of registered conveyance deed. Learned advocate submitted that there is change in use by the petitioners and for change in use permission, their applications are pending before the authority. Therefore, action indicating of sealing of the premises prior to decision taken on such applications is illegal and deserves to be quashed and set aside.

4. Learned advocate Mr.S.H.Virk for respondent Nos.2 & 3 submitted that the petitioners are not original allottee of the premises. Original allotment was for residential purposes and one of the covenants of the said allotment, restricts use other than residential. Therefore, under no circumstances,

commercial activity is permitted. Moreover, Notice referred in the petition dated 05.03.2025 and other such date is not relevant because till date, no sealing is done of the premises.

5. Considered the submissions. This Court has noticed that all the residential premises are being turned into commercial premises without there being any prior permission. Further, there are allegations that petitioners had created an encroachment and done construction over and above the original permission. The encroachment created is on public road. Considering the submissions following directions are issued:

- (i) Seven days' time is given to the petitioners from today to make fresh individual applications to the Gujarat Housing Board seeking change in use permission.
- (ii) Considering the submission on behalf of the petitioners that they have already preferred applications, before the respondents seeking change in use, it is open for the petitioners either to pursue the said applications or to make fresh applications within a period of seven days from today.

- (iii) Respondents are directed to decide the said applications seeking change in use permission as expeditiously as possible, within a period of two weeks thereafter.
- (iv) Once such applications are preferred, it is open for the respondents to decide the same in accordance with law.
- (v) Considering that the respondents have agreed not to seal the premises till the applications are decided, this petition is disposed of with the direction to the respondents to decide their applications and till the applications get decided, no coercive action shall be taken of sealing the premises.

6. With this, the petition is disposed of. Rule is discharged. Direct service is permitted.

sd/-

(MAUNA M. BHATT,J)

DIPTI PATEL...