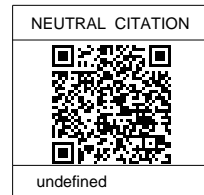


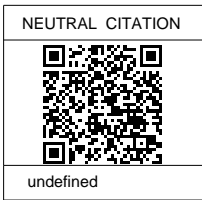
**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 14017 of 2025**=====  
**BHARATBHAI GOVINDBHAI VALAND****Versus****STATE OF GUJARAT & ORS.**  
=====**Appearance:****MR CHIRAG A PRAJAPATI (8468) for the Petitioner(s) No. 1****MR SAHIL TRIVEDI AGP for the Respondent(s) No. 1****MR BHAVIK V BHATT (11508) for the Respondent(s) No. 2,3,4**  
=====**CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT****Date: 08/10/2025****ORAL ORDER**

1. This petition is filed challenging the order dated 06.10.2025, passed under Section 260 (2) of the Gujarat Provincial Municipal Corporations Act, 1949 ("GPMC Act" for short), whereby the petitioner has been directed to remove unauthorized construction within the period of seven days.

2. Heard learned advocate Mr. Chirag Prajapati for the petitioner, learned AGP Mr. Sahil Trivedi for respondent No.1 and learned advocate Mr. Bhavik Bhatt for respondent Nos.2, 3 and 4- Gandhinagar Municipal Corporation on advance copy.



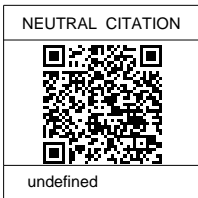
3. Learned advocate Mr.Prajapati for the petitioner submitted that the order dated 06.10.2025 under Section 260(2) of the GPMC Act is bad in law since no unauthorized construction was done by the petitioner. Referring to the index copy at Annexure B page 21, learned advocate submitted that the ownership of the property in question is with the petitioner. Accordingly, petitioner made an application seeking development permission for the construction on his land and an order dated 13.05.2014 was passed (Annexure C page 22), permitting construction. The petitioner constructed the property as per the development permission granted vide order dated 13.05.2014, however, a notice dated 30.06.2025 under Section 260(1) of the GPMC Act was served upon the petitioner. Learned advocate submitted that the notice does not specify the nature and the portion of unauthorized construction and therefore the notice being vague deserves to be quashed and set aside. Once the show cause notice under Section 260(1) GPMC Act dated 30.06.2025 is quashed and set aside the consequential order under Section 260(2) of the GPMC Act may have to be quashed and set aside. Further, as per the provisions of the GDCR, regularization of unauthorized construction is permissible on an application and, therefore, the action taken by the respondent directing demolition may deserve to be quashed and set aside. Learned advocate in



support of his submission relied upon the decision of this Court in the case of *Mohammadhanif Nizammudin Shaikh vs. Ahmedabad Municipal Corporation* reported in *2015 (0) ALJEL-HC 23284*.

4. Opposing the petition, learned AGP Mr.Triedi for respondent No.1 and learned advocate Mr.Bhatt for respondent Nos.2, 3 and 4 submitted that till date no application is filed seeking regularization of unauthorized construction. If an application is filed under GRUDA 2022, the construction which is permissible will be regularized.

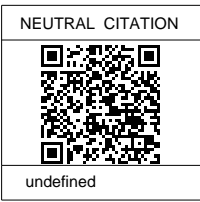
5. Considered the submissions. It is noticed that for the alleged unauthorized construction, petitioner was served with the notice dated 30.06.2025 under Section 260(1) of the GPMC Act. From the perusal of the said notice, it is evident that the subject in the notice refers to the construction done on Plot No.40/1 Sector-3 on rear side of 2-meter margin and RCC slab covering the said margin. Therefore, the contention of the petitioner that the notice is vague and does not specify the nature of unauthorized construction, in the opinion of this Court, is not correct and not acceptable. Moreover, the said notice refers to action to be taken under Section 260(2) of the GPMC Act. Accordingly, an order dated 06.10.2025 was passed



directing the petitioner to remove unauthorized construction within a period of seven days. It is noticed that since notice under Section 260(1) of the GPMC Act was issued to the petitioner, the petitioner gave his response to the said notice dated 30.06.2025 vide reply dated 25.09.2025. Further, till date no application is filed by the petitioner seeking regularization of unauthorized construction.

6. Considering that till date no application is filed by the petitioner seeking regularization of unauthorized construction, the petitioner is directed to prefer an application within the period of one week from today seeking regularization of unauthorized construction. Once such application is filed, respondents are directed to consider the same in accordance with law and to pass appropriate orders in accordance with law. Till the order passed by the respondent corporation, on an application of the petitioner the respondents are directed not to act upon order under Section 260(2) of the GPMC Act dated 06.05.2025.

7. Parties to cooperate. Petitioner is also directed not to carry out any further construction over the subject property.



8. With this, the petition is disposed of. Direct service is permitted.

**(MAUNA M. BHATT,J)**

NAIR SMITA V./01-SB-II