

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8712 of 2026

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ANSARI M. IKBAL ALIHUSEN & ORS.
 Versus
 STATE OF GUJARAT & ORS.

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Appearance:

A S TIMBALIA(7372) for the Petitioner(s) No.
 1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,3,4,5,6,7,8,9
 MR NIRAV C SANGHAVI(5950) for the Petitioner(s) No.
 1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,3,4,5,6,7,8,9
 DS AFF.NOT FILED (N) for the Respondent(s) No.
 10,11,12,13,14,16,3,4,5,6,7,8
 MR GH VIRK, GOVERNMENT PLEADER for the Respondent(s) No.
 1,17,18,19,20
 MR ANUJ K TRIVEDI(6251) for the Respondent(s) No. 2
 MR GAURAV CHUDASAMA(5660) for the Respondent(s) No. 9
 MR SALIL M THAKORE(5821) for the Respondent(s) No. 15

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 02/07/2026

ORAL ORDER

1. Heard learned Senior Advocate Ms.Trusha Patel with learned advocate Mr.Nirav Sanghavi and learned advocate Mr.A.S.Timbalia appearing on behalf of the petitioners, learned Advocate General Mr.Kamal Trivedi with learned advocate Mr.Anuj Trivedi appearing on behalf of the respondent - Corporation, learned Assistant Government Pleader Mr.G.H.Virk with learned advocate Ms.Dharitri Pancholi and learned advocate Mr.Jay Barot appearing on behalf of the State respondents and learned advocate Mr.Salil Thakore appearing on behalf of the respondent no.15 -

Torrent Power Limited.

2. Learned Senior Advocate Ms.Patel on behalf of the petitioners has tendered an affidavit inter alia submitting that certain further facts which was not placed on record, is required to be brought to the notice of this Court inter alia being as regards transcripts of conversation which had taken place with a police official who had reached the site upon some of the petitioners calling the Police Helpline No.112, certain transcripts as regards some senior officers are also present and certain photographs have also been annexed whereby the petitioners are attempting to establish that each of the petitioners had a residence in the area in question which had been demolished. The said affidavit is taken on record.

3. Learned advocate Mr.Salil Thakore appearing on behalf of respondent no.15 - Torrent Power Limited has tendered an affidavit of one Mr.Umang Dutt, Vice President (Operations) Surat Unit of Torrent Power Limited who has inter alia in the affidavit stated as regards the Ahmedabad Helpline of the Torrent Power Limited receiving three telephone calls from one Mr.Shaileshbhai claiming to be from Central Zone, Surat

Municipal Corporation as regards a proposed demolition which was contemplated. It is also informed that the details had been transferred to the Surat office and when the officers of the Surat office had reached the place, they did not find any demolition activity and whereas, they were directed to a different place where again a the demolition activity was not found and ultimately, they had reached the place where the residences of the petitioners and others were in the process of being demolished.

3.1. Learned advocate Mr.Thakore would point out that as such, there was no disconnection of electricity from the entire area prior to the demolition and whereas, the disconnection was at around 10:30 am when the officers had reached the site and had found that the demolition work had already started and some of the meters of the respondent no.15 had also been damaged/destroyed in the demolition work. It has been submitted by learned advocate Mr.Thakore that the electricity connection of the locality had been disconnected to ensure that there is no loss of life, limb or property on account of the electricity connection being live during the demolition process. As such, learned advocate also points out to the

protocol being followed by the Torrent Power Limited by insofar as disconnecting electricity insofar as demolition work etc. is concerned. The said affidavit is taken on record. Further steps as regards the said respondent would be after further hearing of the matter.

4. Learned Advocate General Mr.Kamal Trivedi appearing on behalf of the Surat Municipal Corporation has tendered an affidavit of the Municipal Commissioner wherein it is inter alia pointed out that the plot in question belonged to certain private individuals and whereas, they had sought to develop the same with some third parties i.e. respondents no.10 to 14 herein and whereas, originally, on 12.03.2026 a plot validation certification had been sought for from the Corporation and whereas, the same had been rejected.

4.1. It is also submitted that on account of some request emanating from the respondent no.10 - developer so as to carry out physical demarcation of the prescribed street-line, some of the officers of the Central Zone, without any underlying decision, had intimated to the police authorities as regards a proposed procedure of demarcation which would be undertaken on 30.05.2026 and whereas, the police protection

had been sought for. It has been categorically submitted by the Commissioner that during the course of demarcation, the demolition had occurred. Thus, it would appear that the Corporation is clear about the fact that the demolition was completely illegal.

4.2. As it is, it is further pointed out that the Corporation had started a preliminary inquiry as regards the role of its officers and a Preliminary Inquiry Committee had been formed headed by a Deputy Municipal Commissioner and whereas, a report has been received from the said Committee on 30.06.2026 which had inter alia opined that the officers concerned were not coming out with the details truthfully and therefore, further inquiry would be required into their roles. It is also pointed out that pursuant to such inquiry report, five of the officers who were present at the site when the demolition activity was being carried out, have been suspended from service pending departmental proceedings. It is also pointed out by the Municipal Commissioner as submitted by learned Advocate General that appropriate steps to temporarily relocate the displaced persons have been undertaken. The affidavit is taken on record. The said affidavit is taken on

record.

5. Prima facie, in view of the fact which is now undisputed as regards the demolition being unauthorized, to this Court, it would appear that it is the duty of the Corporation to ensure that the persons displaced by the unauthorized demolition are appropriately accommodated either by rebuilding their residences at the very same place where it stood before the demolition or by way of private negotiations if the displaced persons could be accommodated elsewhere. A proposal in this regard shall be placed by the Commissioner on record by way of affidavit by the next date of hearing.

6. Learned Government Pleader Mr.Virk has tendered a further affidavit of the Commissioner of Police, Surat City and whereas, the Commissioner has attempted to justify the police presence at the place and also attempted to justify the non-proactive steps taken by the police officials at the site in question. It is also inter alia pointed out that some investigation is also being carried out. The said further affidavit is taken on record.

6.1. Prima facie, when it is clear that the demolition was

unauthorized and then it becomes the bounden duty of the police authority to have acted upon the complaint filed by some of the petitioners. That being the prima facie observation of this Court, learned Government Pleader would seek for some further time to take appropriate instructions.

6.2. To a specific query about the stand of the State with regard to this entire incident, learned Government Pleader would further seek some time to place an appropriate affidavit on record by the concerned department.

7. For facilitating the above process, list this matter on 09.07.2026.

Bhoomi

(NIKHIL S. KARIEL,J)