

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14921 of 2026

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MOHAMADI MASJID JAMAT THROUGH ITS TRUSTEE/MUTAWALLI
SIDHIK TEJMAL SAMA

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR RIZWAN SHAIKH(7146) for the Petitioner(s) No. 1

MR A R KADRI(7330) for the Respondent(s) No. 5

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 13/10/2026

ORAL ORDER

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has approached this Court with the following reliefs:

"(A) THIS HON'BLE COURT MAY BE PLEASED TO declare the action of the Respondent authorities in demolishing the Petitioner's "Mohamadi Masjid" in the early morning of 21.06.2026, without proper notice and affording any opportunity of hearing, without following the due process of law and in violation of the binding directions issued by the Hon'ble Supreme Court, as illegal, arbitrary, unconstitutional and void ab initio and thereby, be pleased to quash and set aside order dated 19.06.2026 passed by the Respondent No. 4-Mamlatdar (Annexure-S).

(B) THIS HON'BLE COURT MAY BE PLEASED TO direct the Respondents to restore the demolished Mohamadi Masjid at its original location and in its original condition.

(C) THIS HON'BLE COURT MAY BE PLEASED TO direct the Respondents to pay just and fair compensation to the Petitioner-Waqf for the illegal and unconstitutional demolition of the said Masjid.

(D) THIS HON'BLE COURT MAY BE PLEASED TO direct the Respondent authorities to initiate appropriate departmental, disciplinary, contempt and other legal proceedings against the officers responsible for the illegal, arbitrary, high-handed and unconstitutional demolition of the Petitioner's Masjid.

(E) Pending the admission, hearing and final disposal of the present petition, THIS HON'BLE COURT MAY BE PLEASED TO direct the Respondents to maintain status quo with regard to the site of the demolished Masjid and restrain them from creating any third-party rights, making any permanent construction or altering the nature and character of the property in any manner whatsoever.

(F) THIS HON'BLE COURT MAY BE PLEASED TO award the costs of present petition.

(G) THIS HON'BLE COURT MAY BE PLEASED TO grant such other and further relief/s as may be deemed fit, just and proper in the facts and circumstances of the case, in the interest of justice."

2. Learned Advocate Mr.Hakim for the petitioner vehemently submitted that a show-cause notice dated 18th June, 2026 under Section 61 of the Gujarat Land Revenue Code was issued by Mamlatdar, Bhuj (Rural) upon the petitioner which was served and/or received by the petitioner on 19th June, 2026 at 01.00 p.m. It is submitted that in the said show-cause notice, only two days were

given to provide reply and/or evidence.

2.1 It is submitted that despite the short notice, on the very next day i.e. 20th June, 2026, reply was submitted.

2.2 It is submitted that despite the reply filed on 20th June, 2026 i.e. next date of reply of the show-cause notice, an order came to be passed on 19th June, 2026 itself holding, *inter alia*, that petitioner is in encroachment of the government land.

2.3 Without granting sufficient opportunity for filing appeal against the said order dated 19th June, 2026, on 21st June, 2026, authorities have demolished the structure.

3. Considering the aforesaid peculiar facts, Collector, Kutch, is hereby directed to file affidavit on or before 19th October, 2026.

4. List this matter for further consideration on 22nd October, 2026.

Direct service is permitted.

(NIRAL R. MEHTA, J)

ANUP