

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

RWRIT PETITION (PIL) NO. 187 of 2020

SHRI SUNDARPURI YUVAK PRAGATI MANDAL THROUGH ITS
PRESIDENT PATEL AJABHAI GOKLABHAI

Versus
STATE OF GUJARAT

Appearance:

MR TUSHAR CHAUDHARY(5316) for the Applicant(s) No. 1
MR.DIPEN F CHAUDHARI(6740) for the Applicant(s) No. 1
MR HS MUNSHAW(495) for the Opponent(s) No. 3,4,5
MR RB THAKOR(6743) for the Opponent(s) No. 2
NOTICE SERVED for the Opponent(s) No. 1

CORAM:HONOURABLE THE ACTING CHIEF JUSTICE MR. JUSTICE
A.J.DESAI
and
HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date : 27/03/2023

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE MR. JUSTICE A.J.DESAI)

1. By way of the present writ petition in the nature of Public Interest Litigation, following prayers have been made :

“a. Your Lordships may be pleased to allow this petition;

b. Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents herein to take necessary action against the illegal encroachers who have made encroachment on government vest land in (old survey No.296) new survey No.1198 which is specifically allotted for graveyard of the village as stated in the representations

made by the petitioner and passed necessary orders for removal of encroachment in accordance with law;

c. Pending admission, hearing and final disposal of the present petition, this Hon'ble Court may be pleased to direct the respondents to submit a report before this Hon'ble Court as to what action is taken against the encroachers pursuant to the representations and/or complaints made by the petitioner against the illegal encroachment, in the interest of justice;

d. Be pleased to grant any other relief/s as may deem fit proper, in the interest of justice."

2. In response to notice issued by this Court, the Taluka Development Officer, Dhanera Taluka Panchayat, District Banaskantha has filed affidavit-in-reply. Along with the said affidavit, a copy of notice issued to several persons with regard to alleged encroachment upon the land has been produced.

3. It is the grievance of the petitioner that some of the persons are not served with similar notices who have allegedly put up construction on the land in question.

4. In view of the above development, we do not find any reason to keep this Public Interest Litigation pending. However, if any grievance is there with regard to those persons against whom notices have not been issued by respondent No.3, the petitioner may approach the concerned authority within a period of one week. The respondent may take appropriate action in the matter. It is expected that the authority concerned shall proceed with the notice in accordance with law and expeditiously.

5. The petition stands disposed of. Notices are hereby discharged. It is made clear that this Court has not gone into the merits of the case or rights of those persons allegedly having occupied the land in question.

(A.J.DESAI, ACJ)

(BIREN VAISHNAV, J)

GAURAV J THAKER