

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 27 of 2023**

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KISHORBHAI KHIMJIBHAI MUNDHAVA S/O KHIMJIBHAI MUNDHAVA
Versus
STATE OF GUJARAT

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Appearance:

MR SUBRAMANIAM IYER(2104) for the Applicant(s) No. 1

MR SATYAM Y CHHAYA(3242) for the Opponent(s) No. 2

NOTICE SERVED for the Opponent(s) No. 1

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

Date : 27/04/2023

ORAL ORDER

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

1. By way of the present petition in the nature of public interest, the same has been filed in the capacity as representative of several slum-dwellers, the list of which is produced at Annexure-A to the petition.

2. It is the case of the petitioner that they are occupying lands bearing Final Plot No.956 of Town Planning Scheme No.25 (Khokhra-

Mehmdabad), East Zone Election Ward No.43
(Bhaipura-Hatkeshwar), Ahmedabad City.

3. The petitioner having apprehended that they shall be removed from the aforesaid plot without implementing the Rehabilitation Scheme of 2010 framed by the State Authorities exercising powers under the Town Planning Act and therefore have prayed as under:

“(A) That Your Lordships will be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, or order directing the respondents to provide alternative accommodation under the Regulations for Rehabilitation & Redevelopment of the Slums-2010 or under any other housing scheme framed by the government for EWS and urban poor before eviction to each of the hutment dwellers listed in Annexure-A residing at Ramdevnagarna Chhapra, Near Water Tank, Kashibanagar, Bhaipura Sub-Zonal Office Road, Amraiwadi, on the land bearing Final Plot No.956 of T.P.Scheme No.25 (Khokhra-Mehmdabad), East Zone Election Ward No.43 (Bhaipura-Hatkeshwar), Ahmedabad City as has been provided to the other similarly situated hutment dwellers under the housing scheme

for urban poor framed by the government.”

4. In response to notice issued by this Court, respondent Corporation has been represented by Mr. Satyam Chhaya. Mr. Chhaya, under instructions, states that the case of those persons whose names have been referred at Annexure:A to the petition shall be considered if each one of them file appropriate application along with necessary documents for availing the benefits under the rehabilitation scheme. He would further submit that the case of each of the slum-dweller shall be considered in accordance with the scheme and shall be granted alternative place if they are entitled under the scheme.

5. In view of the above statement, we dispose of this petition by following directions:

(I) It would be open for each of the slum dwelling unit holder referred at Annexure-A to the petition with relevant documents to approach to the respondent Ahmedabad Municipal Corporation by way of the representation within a period of two weeks to avail the benefits under the scheme.

(II) The respondent authorities shall decide the representation in accordance with law and after examining each case and shall grant the benefit if they are entitled under the scheme.

(III) The same exercise shall be completed within a period of four weeks from the date of submitting the application.

(IV) Each of the applicant shall file an undertaking before this Court that they shall

vacate the land in question if the application for the benefits available under the scheme of 2010 is rejected by the corporation.

(V) All the parties to the present proceedings shall maintain status quo with regard to the property in question till the possession of alternative place is granted to those eligible persons.

6. With the aforesaid observations and directions, the petition is disposed of. Notice is hereby discharged.

(A.J.DESAI, ACJ)

(BIREN VAISHNAV, J)

ANKIT SHAH