

Gujarat High Court

Malvikaben vs Unknown on 31 August, 2010

Author: M.R. Shah,&Nbsp

Gujarat High Court Case Information System

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MCA/2138/2010      2/ 2      ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL  
APPLICATION No. 2138 of 2010

In

SPECIAL  
CIVIL APPLICATION No. 4354 of 2010

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MALVIKABEN  
R SHAH & 15 - Applicants

Versus

AHMEDABAD  
MUNICIPAL CORPORATION THROUGH & 1 - Opponents

=====

Appearance :  
MR  
YV VAGHELA for the Applicants.  
MR DHAVAL G NANAVATI for  
Opponent(s) : 1,  
MR ADIL R MIRZA for Opponent(s) :  
2,  
=====

CORAM

:

HONOURABLE

MR.JUSTICE M.R. SHAH

Date  
: 31/08/2010

ORAL  
ORDER

1. The present application has been preferred by the applicants original petitioner Nos.7, 12 and 16 for an appropriate order and/or direction, directing the opponents not to deviate and/or make any changes contrary to order passed by this Court dated 14th July,2010 in Special Civil Application No.4354 of 2010 and map produced on record by Opponent No.2.
2. Mr.Vaghela, learned advocate appearing on behalf of the applicants has submitted that after demarcation was done by the concerned Officer and map produced on record, they started putting up construction of new compound wall and after construction was completed, they have now made a new demarcation and the applicants are directed to have fresh construction of compound wall as per new demarcation. It is submitted that as per the order passed by this Court, demarcation was done and the same is to be treated and considered as final.
3. Mr.Adil Mirza, learned advocate appearing on behalf of Opponent No.2 - Ahmedabad Urban Development Authority has stated that there is no new demarcation at all. However, in place of old one, fresh demarcation is made on very demarcation. When a pointed question was asked as to what is distance between earlier demarcation and fresh demarcation, he replied that the difference is hardly not more than 8 inches.
4. Considering the aforesaid facts and circumstances of the case, whatever fresh construction of compound wall is made, the same is to be treated to have been done in compliance of the order passed by this Court earlier. However, the same would be applicable only to those persons, who have already constructed the new compound wall and not with respect to those persons, who have yet not demolished their old compound wall and who have not put up new compound wall.

With this, the present petition is disposed of. No costs.

[M.R.SHAH,J] \*dipti Top