

Gujarat High Court

Amrut vs Ahmedabad on 25 August, 2010

Author: Kshitij R.Vyas,&NbspHonourable H.Mehta,&Nbsp
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SCA/17211/2005 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 17211 of 2005

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AMRUT
KAKALDAS KIRI & 1 - Petitioner(s)

Versus

AHMEDABAD
URBAN DEVELOPMENT AUTHORITY - Respondent(s)

=====

Appearance
:
Mr Ravindra R Shah
for Petitioner(s) : 1 and MRS
KANAN R SHAH for Petitioner(s) : 1 - 2.
Mr R R Marshall, for
Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE KSHITIJ R.VYAS

and

HONOURABLE

MR.JUSTICE AKSHAY H.MEHTA

Date

: 26/09/2005

ORAL

ORDER

(Per : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA) The petitioners' grievance is that despite the fact that their unauthorised construction has been regularised by charging impact fee under the provisions of Gujarat Regularizaion of Unauthorised Development Act, 2002 (for short, 'GRUDA'), the respondent has now come out to demolish the said construction by serving notice dated 21.5.2005. It is the say of the petitioners that in the said notice, the construction has been termed as ?Sunauthorised?? as the same has been raised on the margin land and they have been asked to demolish it within the stipulated time indicated in the notice.

2. Mr R R Shah, learned Advocate for the petitioners has reiterated these facts by way of his submissions and he has also drawn our attention to various documents annexed to the petition including the notice served under section 3(2) of GRUDA and pursuant to the order of regularization of the unauthorised construction.

3. However, at present only the notice has been issued and no final decision has been taken by the respondent. Since certain facts are controverted by the respondent by way of submissions of Mr R R Marshall, learned Advocate appearing for the respondent, it is not possible for us to decide the questions of fact arising in this petition. The petitioners, if they so desire, can certainly make

representation to the respondent and point out to the respondent all the documents which are today shown to us and request for withdrawal of the notice. In view of the same, we direct that if such a representation is made by the petitioners, the respondent shall decide it within three weeks of the receipt of it after affording opportunity of hearing to them and whatever decision that may be taken by the authority, the same shall be intimated to the petitioners. It is stated by Mr Shah that the petitioners will file representation within a week from the date of this order.

4. In view of the aforesaid directions, nothing more is required to be done in this petition and it is disposed of accordingly. We may make it clear that if the representation as stated above is made within one week, respondent no.1 shall observe status-quo as on today.

[Kshitij R Vyas, J.] [Akshay H Mehta, J.] msp Top