

Gujarat High Court

Nitin vs State on 13 August, 2010

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Gujarat High Court Case Information System

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SCA/4310/2010 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 4310 of 2010

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NITIN
CHANDRAKANT KAKKAD - Petitioner(s)

Versus

STATE
OF GUJARAT THROUGH SECRETARY & 2 - Respondent(s)

=====

Appearance :

MR

MP SHAH for

Petitioner(s) : 1,

MS. KRUTI M SHAH for Petitioner(s) :

1,

GOVERNMENT PLEADER for Respondent(s) : 1,

NOTICE SERVED for

Respondent(s) : 1 - 3.

MR PR NANAVALI for Respondent(s) :

3,

=====

CORAM

:

HONOURABLE

MR. JUSTICE M.R. SHAH

Date
: 13/08/2010

ORAL
ORDER

1. By way of this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, order of direction directing the respondents to grant alternative space as stated in the representation dated 02/11/2009 in lieu of the land of which the petitioner is the owner, which was taken by the respondents for widening of the public street on Raiya road, Rajkot.
2. In response to the notice issued by this Court, affidavit-in-reply is filed on behalf of the Corporation pointing out that as per the policy of the Corporation in lieu of the land, which is taken away for the purpose of widening of the road, either some additional space is to be given or additional FSI is to be given and so far as the petitioner is concerned, the petitioner is already given additional FSI, which the petitioner has utilised and has put up the construction and, therefore, now the petitioner cannot be given additional FSI in lieu of the land, which is used for the purpose of widening of the road.
3. Under the circumstances, as per the policy, the petitioner has been given additional FSI, and, therefore, the petitioner is not entitled to additional space. Hence, the present petition deserves to be dismissed and is accordingly dismissed.

(M.R.

SHAH, J.) siji Top