

ITEM NO.46

COURT NO.7

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 37260/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in WPPIL No. 73/2017 passed by the High Court Of Gujarat At Ahmedabad)

RAMESHBHAI BARIYA & ORS.**Petitioner(s)****VERSUS****THE VADODARA MUNICIPAL CORPORATION & ORS.****Respondent(s)**

(FOR ADMISSION and I.R. and IA No.195823/2019-CONDONATION OF DELAY IN FILING and IA No.195826/2019-EXEMPTION FROM FILING O.T. and IA No.195822/2019-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.195825/2019-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 24-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) **Mr. Rajivkumar, AOR**
 Mr. Sanjeev Gupta, Adv.

For Respondent(s) **Mr. Purvish Jitendra Malkan, AOR**
 Ms. Dharita Purvish Malkhan, Adv.
 Mr. Alok Kumar, Adv.
 Ms. Neha Ambastha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file special leave petition is granted.

Delay condoned.

Application for exemption from filing official translation is allowed.

The grievance of the petitioner(s) is that

the structure(s) occupied by them were not falling within the range prescribed in the public notice dated 06.06.2016, which refers to 40 meters girth from the area of the Gotri lake situated in the West Zone Area of Vadodra city. In other words, the Vadodra Municipal Corporation could have demolished only such structure(s) covered by the said public notice and not otherwise.

It is urged before this Court that no formal notice was issued to the petitioner(s) before demolishing the structure(s) occupied by them, presumably in furtherance of the impugned order. If such is the grievance of the petitioner(s), it is open to the petitioner(s) to approach the High Court for appropriate relief including for issuing a direction for restitution of structure(s) belonging to the petitioners, which have been illegally demolished by the Vadodara Municipal Corporation.

In case the petitioner(s) files such petition, the High Court may consider the same on its own merits in accordance with law. All contentions available to both parties in that regard are kept open.

As prayed, liberty is granted to the petitioners to approach this Court again, if need arises.

The special leave petition is disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER