

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 13 of 2024**

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SUNILBHAI RATANLAL MITTAL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR HR PRAJAPATI(674) for the Applicant(s) No. 1

MS NISHKA H PRAJAPATI(10717) for the Applicant(s) No. 1

MS HETAL PATEL, ASSISTANT GOVERNMENT PLEADER - ADVANCE

COPY SERVED TO GOVERNMENT PLEADER/PP for the Opponent(s) No. 1

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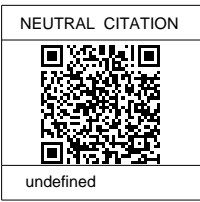
**CORAM: HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY**

Date : 13/06/2025

ORAL ORDER

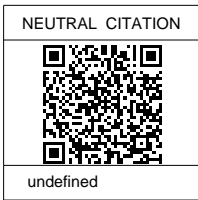
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. The present writ-petition has been filed by a person, who claims to be the Chief Editor of 'Navsari Times Weekly' and is engaged in the profession of Journalism since about last 14 years at Navsari. The challenge in the writ-petition is to the order of the land use permission granted to respondent no.3 for commercial use of survey nos.15 and 16 situated at Village Jamalpor, Taluka Navsari, admeasuring 39994.23 square meters, which has been converted into non-agricultural use in the year 1992-93. As per own contention of the petitioner in paragraph-4.1 and 4.2 of the writ-petitioner that the land in



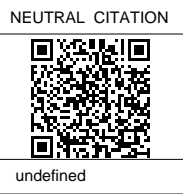
question was purchased vide registered sale-deed dated 24.01.1994 by a third person, who is not impleaded herein, from the original owner. On an application dated 18.08.2000 moved by the said purchaser of the sale-deed dated 24.01.1994, the District Development Officer, Navsari granted permission by order dated 02.06.2001 for change of the use of land-in-question for commercial use, i.e. for construction of a Diamond Factory. The contention is that out of total land admeasuring 39994.23 square meters, permission was granted to put up construction only upon the land admeasuring 6294.80 square meters subject to certain conditions in exercise of powers conferred under Section-65(1) and 67 of the Bombay Land Revenue Code. It is then contended that the construction of 'Diamond Factory' was made on the land in question about 18 to 20 years ago. The Navsari Nagar Palika was collecting tax from the land owner with respect to the land in question.

2. The further contention in paragraph-4.3 of the writ-petition is that as per the mutation entry no.4721 certified on 18.03.2011, the land in question was transferred in favor of the respondent no.3 herein pursuant to an amalgamation



proceeding order dated 29.10.2010 passed by the High Court of Mumbai in Company Petition No.404 of 2010 to 410 of 2010 and that is how the respondent no.3 became owner of the land in question. Apart from the vague assertion made in paragraph-4.3 of the writ-petition, there is no description of the Company Petition No.404 of 2010 to 410 of 2010 or the order passed therein nor there is any document on record to explain as to which portion of the land in question, total of, plot of 15 and 16, admeasuring 39994.23 square meters, were subject matter of the decision of the Bombay High Court dated 29.10.2010.

3. It is, thus, evident that the present petition has been filed with incomplete and incorrect facts with a view to mislead the Court. We may further record that the grievance raised by the petitioner is about the development permission granted to respondent no.3 with respect to the land in question. It is sought to be submitted in the writ-petition that initially, the application dated 11.10.2021 seeking development permission over the land in question filed by the respondent no.3, was rejected on 17.06.2022. However, the respondent no.3 continued making illegal construction upon

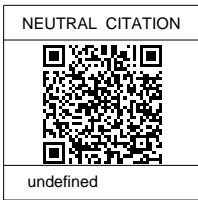


the land in question even after rejection of their application. The said fact was brought by the petitioner to the notice of respondent no.2 namely, Navsari Urban Development Authority by letter dated 19.10.2022. On the said complaint, notice dated 03.11.2022 was issued by the respondent no.2. Another notice dated 17.11.2022 had further been issued.

4. The contention is that initially, the petitioner was informed by the respondent no.2 that construction in question had been stopped and the details sought by the petitioner will be provided in person. The petitioner again made a complaint dated 22.02.2023 to the Chief Secretary, State of Gujarat.

5. However, a fresh Development Permission dated 12.04.2023 dehors the provisions of CGDCR- 2017 has been granted to the respondent no.3 by respondent no.2. A perusal of the statement made in paragraph-4.17 of the writ-petition shows that the permission was granted subject to removal of certain offending constructions.

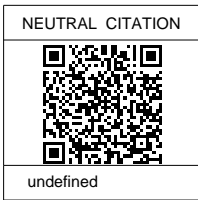
6. It is further contended by the petitioner that after coming to know that the Development Permission dated 12.04.2023 has been granted in favour of the respondent no.3,



the petitioner made a representation dated 01.01.2024 requesting the authority not to grant building use permission. Various representations were made thereafter. R.T.I. applications were moved. When nothing has been done, the petitioner has approached this Court by filing Public Interest Litigation.

7. On the presentation of the writ-petition, by order dated 08.02.2024, this Court has asked the petitioner to bring on record the zonal plan prepared by the development authority to demonstrate that the land in question falls in purely residential zone. As the only submission made by the learned counsel for the petitioner in the writ-petition is that the development permission was granted contrary to the land use of the land in question in the zonal plan.

8. From a perusal of the additional affidavit dated 19.04.2024 filed by the petitioner [from page '97' of the paper-book], which is Part of Plan Sanctioned Development Plan-2039 of Navsari Urban Development Authority, Navsari sanctioned under Government Notification dated 12.08.2021, it is clear that the land use of both plot nos.15 and 16 is



industrial. The whole basis of filing of the writ-petition that the land use of plot nos.15 and 16 owned by the respondent no.3, over which the development permission dated 12.04.2023 has been granted for regularizing the constructions is residential, is absolutely false. We, thus, find that the present writ-petition has been filed with false statement made by a person, who claim to be a Journalist of 14 years and is doing social service. A person, who is in such a position has to act responsibly. The purpose of filing of the present writ-petition, the facts noted herein-above, is nothing but seem to be for personal grudges or with ulterior motive. We, therefore, dismiss the present writ-petition with the cost of Rs.1,00,000/- [Rupees One Lac] to be deposited before the Registrar General of the High Court within a period of 03 weeks from today. The cost so deposited shall be transmitted to the accounts of High Court Legal Service Committee. In case the petitioner fails to deposit the cost within the time given above, appropriate proceedings for recovery shall be initiated.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA