IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2301 of 2026
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2026
In
R/SPECIAL CIVIL APPLICATION NO. 2301 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

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Approved for Reporting	Yes	No
	Yes	--

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KURESHI IRFANBHAI MOHAMMADSHARIFBHAI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR ANAND B GOGIA(5849) for the Petitioner(s) No.
1,10,100,101,102,103,104,105,106,107,108,109,11,110,111,112,113,
114,115,116,117,118,119,12,120,121,122,123,124,125,126,127,128,
129,13,130,131,132,133,134,135,136,137,138,139,14,140,141,142,1
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MR. GAURAV A. GOGIA(14128) for the Petitioner(s) No.
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MR GH VIRK GP WITH DHARITRI PANCHOLI AGP for the Respondent(s) No. 1,5,7
MR GH VIRK GP WITH MR HS MUNSHAW(495) WITH NENCY SHETH ADVOCATE for the Respondent(s) No. 2 - 4
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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 16/03/2026

JUDGMENT

1. RULE returnable forthwith. Learned counsel waives service of notice of rule on behalf of the respective respondents.

2. With the consent of learned counsel appearing for the respective parties, the matter is taken up for final hearing.

3. Present petition is filed by the petitioners under Article 226 of the Constitution of India and under Sections 3 and 58 of the Gujarat Slum Areas (Improvement Clearance and Redevelopment) Act, 1973 (hereinafter be referred to as “the Act”) seeking following reliefs:-

> *A. Your Lordships may be pleased to admit and allow this petition.*
>
> *B. Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent(s) No.1 to 3 authorities to provide the alternative accommodation to the Petitioner(s) and other of the Jangleshwar & Nadoda Slum Area in light of the schemes of State of Gujarat i.e. Regulations of 2010 and GR dated 18.07.2013 as the said areas are notified as slums by the Respondent(s) No.3 Authority by way of notification dated 13.07.2017 published in the Gujarat Government Gazette dated 18.10.2017.*
>
> *C. Your Lordships be pleased to issue a writ of*

mandamus or any other appropriate writ, order or direction to the Respondent(s) Authorities not to take any coercive steps against the Petitioner(s) / occupants of the Jangleshwar & Nadoda Nagar Slum area under any statue till the rehabilitation of the Petitioner(s) has been finalized & completed under the Regulations of 2010 and GR dated 18.07.2013 of the State of Gujarat.

D. *Pending admission, hearing and final disposal of present petition, not to take any coercive steps against the Petitioner(s) / occupants of the Jangleshwar & Nadoda Nagar Slum area under any statue till the rehabilitation of the Petitioner(s) has been finalized & completed under the Regulations of 2010 and GR dated 18.07.2013 of the State of Gujarat.*

E. *Your Lordships be pleased to pass such other and further orders as may be deemed fit and proper.*

4. Facts of the present case are that the petitioners are the resident of Jangleshwar area of Rajkot and the said area is situated at Revenue Survey No. 256 and about 40,000 families are residing in the Jangleshwar and Nadoda Nagar Society and respondents – authorities wanted to vacate the said area of Jangleshwar and to demolish unauthorized construction over the subject parcel of land. The respondents – authorities, without providing the adequate accommodation to the existing residents, are trying to implement the T.P. Scheme which otherwise suffers from serious irregularities. The petitioners and all residents of the Jangleshwar and Nadoda slums are qualified and eligible for rehabilitation under the Regulations of 2010 and they are the occupants of the Jangleshwar slums since last more than 30 to 60 years and prior to 2010 and therefore, they are entitled for rehabilitation.

4.1 It is the case of the petitioners that the respondents –

authorities, without providing alternative accommodation to the occupants of the Jangleshwar and Nadoda Nagar slums, are taking actions under different statutes with an intend to nullify the orders passed by this Court in the petition filed under one statue by taking actions under the different statues and to keep the occupants / dwellers under the threat and fear.

5. Heard Mr.Gogia, learned counsel appearing for the petitioners and Mr.Virk, learned Government Pleader appearing for the respondent – State Authorities. Perused the material placed on record. The affidavit-in-reply and affidavit-in-rejoinder have also filed by the respective parties.

6. The affidavit-in-reply has been filed by the respondent – Corporation. The relevant paragraphs of the affidavit-in-reply read as under:-

> *"The present petition is nothing but a malicious attempt to derail and delay the development of Jangleshwar area in Rajkot city and the implementation of Town planning Scheme No. 6 (Rajkot).*
>
> *The modus operandi of the petitioners has been to file repeated petitions by changing the characteristics of the prayers at each stage and this deserve to be deprecated.*
>
> *The petitioner has suppressed the fact that for the Jangleshwar area; more particularly lands forming part of Aji River which is in the Jangleshwar area, Writ Petition (PIL) No. 18 of 2025 had been filed wherein, this Hon'ble Court was pleased to not grant any protection to the persons residing inside the waterbody, I.e. Aji river as also on the Town Planning Road.*
>
> *The answering respondent specifically states that not even 1 out of the 515 petitioners who have filed the present petition have made any representation before the*

Corporation for rehabilitation under any Slum Rehabilitation Scheme.

The entire tone and tenor of the present petition, culminating into prayers at paragraph no. 61 is design to give an impression to this Hon'ble Court that the Corporation has received the representation from the petitioners but has not acted on the same or has not decided them In fact, in the course of oral arguments on 19.02.2026, in was specifically alleged by the petitioners that the Corporation has not decided any representation made by the petitioners. However, the fact remains that not even one representation has been received from any of the petitioners.

On 19.02.2026, when the captioned petition was heard for the first time, after advancing some arguments, the Petitioners sought time to place their representation(s) on record by filling a further affidavit. In the further affidavit which has been served to answering respondent on 19.02 2026 at around 08:00 PM. there is not a single averment or definitive statement that any of the Petitioner have made any application before the Corporation under the Slum Rehabilitation Scheme. Furthermore, although time was specifically sought to state on affidavit that the petitioners are occupying the notifying Slum Areas, no such statement is made on affidavit.

It is respectfully submitted and specifically stated that none of the petitioners are occupying the notified Slum Areas and all of the petitioners are illegal occupants of either the river bed or the Town Planning road.

Therefore, the present petition is a malicious petition whereby multiple, vague averments are made to deceive this Hon'ble Court with a view to stall the development of a critical, arterial road of Rajkot city which runs parallel to the Ajt river that traverses the city. At this juncture, it is apposite to note that the said TP Road, starting from 80 Feet Road to Nadodanagar is presently so narrow and marred by encroachments that even emergency vehicles such as ambulances and fire-tenders cannot traverse the said road.

The fact that none of the petitioners are occupying any notified Slum Area and yet are making false statements in this regard and/or are seeking parity with persons residing

in notified slum areas, exposes the strategy of the petitioner to conflate and combine two distinct issues, after having failed to secure any relief in the course of 3 Public Interest Litigations.

By bringing petition with en masse petitioners, without placing any material on record for each distinct petitioner, and after having failed in securing any protection in 3 (three) rounds of Public Interest Litigations being WP(PIL) No. 47 of 2022 (Page 149), WP(PIL) No. 65 of 2024 (Page 154), and WP(PIL) No. 18 of 2025 (Annexure-Ri which has been suppressed by the Petitioners), a malicious attempt is being made to stall the development in Rajkot City for extraneous consideration.

It is pertinent to note that till date, insofar as genuine slum dwellers are concerned, the Corporation has already allotted 873 dwelling units. Shockingly, it has been observed that under the tutelage of local elements, the people who are allotted dwelling units walk out of their encroached structures while renting these structures out to new persons.

It is pertinent to note that not a single document is produced on record to evidence any entitlement of the Petitioners over the land forming part of TP road or river bed.

Notices under Section 260 of the Gujarat Provincial Municipality Act, 1949, have been issued to Petitioner Nos. 1, 16, 20, 21, 57, 60, 81, 83, 98, 164, 165, 169, 173, 198, 202, 232, 234, 351, 353-362,364-368, 370-372, 374-376, 378-388,390-399, 401-403, 405-410, 413-420, 422, 424, 426-430, 432-433, 455, 456, 459, 463, 464, 468, 471, 472, 473, 476, 477, 479-483, 485-494, 496, 499-507, 508, 510, 512 and 513, ie. a total of 147 petitioners. These 147 Petitioners are occupying the river bed of Aji river and have no entitlement in law to claim any relief in view of multiple pronouncements of various Hon'ble Courts. These 147 Petitioners cannot be permitted to file the present Petition as they are not occupying any notified slum area.

The remaining 368 petitioners are aliens on the records of the Corporation and are not occupying notified slum areas.

On a bare perusal of the particulars of the Petitioners, it would appear that multiple people belonging to the same

family or a larger family set-up are roped-in to artificially increase the number of the Petitioners. In this regards, the below mentioned details of the Petitioners who appeared to be the part of the same family may be considered.

It is respectfully submitted that upon perusal of the particulars of the petitioners, it is prima facie evident that several names have been deliberately, knowingly and with a mala fide intent duplicated in the array of parties in the present Petition. The same individuals have been shown more than once under different serial numbers with the sole intent of artificially inflating the number of the petitioners and creating a false and misleading impression before this Hon'ble Court that a large body of persons has invoked its jurisdiction. Such conduct is not a mere inadvertent error but a calculated attempt to overreach the judicial process. The deliberate repetition of names clearly demonstrate absence of bona fides and constitutes a gross abuse of the process of law. The duplicated names are produced as under:

A. Petitioner No. 1 & Petitioner No. 351 Kureshi Irfanbhai Mohammadsharifbhai

B. Petitioner No. 342 & Petitioner No. 404 - Premjibhai Merabhai Jadav

C. Petitioner No. 168 & Petitioner No. 263 - Sultanbhai Allarakhabhai Theba.

It is most respectfully submitted that the aforesaid petitions came to be filed on 12.02.2026 and 16 02.02026, respectively and are presently kept under office objections defects before the Registry of this Hon'ble Court. It is further submitted that the filling of multiple petitions seeking the similar relief in respect of the same subject matter, with cosmetic or superficial modifications in pleadings and grounds raised, amounts to a clear abuse of the process of law. The same is nothing but an attempt to overreach the due process of this Hon'ble Court with a view to stall the development of the Jangleshwar area at the instance of vested interest groups/individuals.

Therefore, the present petition, seeking equitable relief under Article 226 of the Constitution of India, deserves to be dismissed with exemplary cost since it suffers from multiple counts of supersessions, suggestio falsi and

suppressio veri, and is designed to mislead this Hon'ble Court.

7. Mr.Gogia, learned counsel for the petitioners has submitted the same facts which are narrated in the memo of petition and also submitted that the right to shelter is the fundamental right of the petitioners. He has submitted that the respondents are hiding the real intention of demolition and eviction and the object behind the same to save themselves from providing the alternative accommodation to the poor section of the petitioners and the respondents have taken the steps / actions not with clean hands and hence, the same deserves to be quashed set aside and/or required to be stayed. He has submitted that respondents are using the powers under the Gujarat Land Revenue Code, Gujarat Provincial Municipal Corporation Act and the Gujarat Town Planning and Urban Development Act to achieve the real agenda of evicting / demolishing the residential units and convert the use of the same for commercial purpose. He has also submitted that Article 19(1)(e) of the Constitution of India suggests the right to residence and settlement in any part of India as a fundamental right and right to life has been assured as basic human right under Article 21 of the Constitution of India, which also includes right to livelihood. He has further submitted that Article 25(1) of the Universal Declaration of Human Rights declares that everyone has right to standard of living adequate for health and well-being of himself & his family; it includes food, clothing, housing, medical care and necessary social service. He has submitted that Article 11(1) of the International Covenant on Economic, Social and Cultural Rights lays down that the State Parties to the Covenant recognize that everyone has the right to standard of living for himself & his family members including food, clothing, housing, and to the continuous improvement to living

conditions. Mr.Gogia, learned counsel has submitted that the respondent - Municipal Corporation / Authorities must adhere to various welfare statutes including the schemes and statutes narrated in the petition and policies designed to protect marginalized groups including the rights of slum dwellers and labourers to adequate housing. He has submitted that the proposed eviction / demolition without providing alternative accommodation, violates the residential rights to shelter and to live with dignity and there is no viable plan provided by the Municipal Corporation / Authority for the rehabilitation / redevelopment of the slum area. He has submitted that Authorities by swiftly ignoring the notification dated 13.07.2017 which was published in the Gujarat Government Gazette dated 18.10.2017 which provides that the Jangleshwar and Nadoda Nagar Area are declared and notified as slums which makes the residents of the slum areas entitled for the rehabilitation, have started the process of eviction and demolition in arbitrary manner. He has submitted that Authorities below have neither adhered nor followed the Regulations of 2010 and GR of 2013 and have started actions against the petitioners and other occupants of the slum area which amounts to miscarriage of justice. According to Mr.Gogia, learned counsel, the actions taken by the respondents without the rehabilitation of petitioners and other occupants amounts to violation of Article 19(E) and 21 of the Constitution of India and Article 21 confers the right to livelihood. He has further submitted that the actions taken by the respondents are in violation of the settled legal principles pronounced by the Hon’ble Supreme Court as well as this Court and also in violation of principle of natural justice, equity and good conscience. He has submitted that the actions taken by the respondents are without following due process of law which amounts to miscarriage of justice and, therefore, the present petition deserves to be allowed.

7.1 In support of his submissions, Mr.Gogia, learned counsel for the petitioners has relied upon the following decisions:-

(a) Olga Tellis Vs. Bombay Municipal Corporation, 1985 (3) SCC 545;
(b) Chameli Singh and others Vs. State of U.P. and another, JT 1995 (9) SC 380;
(c) Shantistar Builders Vs. Narayan Khimalal Totame, JT 1990 (1) SC 106;
(d) P.G. Gupta Vs. State of Gujarat, (1995) Supp. 2 SCC 182;
(e) Ajay Maken Vs. UOI, 2019 LawSuit (Del) 913;
(f) Sudama Singh and Others Vs. Government of Delhi and Others, 2010 (168) DLT 218;
(g) LIC Vs. D.J.Bahadur, (1981) 1 SCC 315;

7.2 Mr.Gogia, learned counsel for the petitioner has submitted that the present petition deserves to be allowed and necessary directions be given to the authorities to provide alternative accommodation to the petitioner of Jangleshwar and Nadoda.

8. Per contra, Mr.Virk, learned Government Pleader for the respondents – authorities has submitted that the petitioners, who filed this petition, have encroached upon the government land. He has submitted that not a single petitioners out of the 515 petitioners have made any representation before the Corporation for rehabilitation under any Slum Rehabilitation Scheme and not a single document produced on record to evidence any entitlement of the petitioners over the land forming part of TP road. He has submitted that none of the petitioners are occupying the notified Slum Areas and all of the

petitioners are illegal occupants of either the river bed or the Town Planning road and none of the petitioners are occupying any notified Slum Area and yet are making false statements and seeking parity with persons residing in notified slum areas. He has submitted that the present petition, seeking equitable relief under Article 226 of the Constitution of India, deserves to be dismissed with cost as it suffers from multiple counts of supersessions of material fact and mislead this Court. He has submitted that till the filing of the present petition, the petitioners have not made any representation before the concerned authority and if the Corporation has received the representation from the petitioners but has not acted on the same or has not decided it. In fact, in the course of oral arguments on 19.02.2026, it was specifically alleged by the petitioners that the Corporation has not decided any representation made by the petitioners, however, the fact remains that not even a single representation has been made by any of the petitioners, on the contrary, the petitioners sought time for placing the copy of the representation before this Court. Over-and-above, the contentions raised in the affidavit-in-reply, learned Government Pleader has submitted that the petition being meritless deserves to be dismissed.

8.1 In support of his submissions, Mr.Virk, learned Government Pleader has relied upon following the orders / judgments passed by the learned Single Judge as well as the Division Bench of this Court.

(i) Fuljaha Noormohammed Shaikh and others Vs. State of Gujarat and others in Special Civil Application No. 6119 of 2025 dated 29.04.2025.

(ii) Samsuddin Jainulabiddin Shaikh and others Vs. The State of Gujarat and others in Special Civil Application No. 6716 of

2025 dated 06.05.2025.

(iii) Khodiyar Mata Mandir Temple Vs. Ahmedabad Municipal Corporation and others in Special Civil Application No. 16467 of 2025 dated 23.12.2025.

(iv) Navneetlal Vanmalidas Khakhkhar (Thakkar) Vs. Ahmedabad Municipal Corporation in Letters Patent Appeal No.1280 pf 2025 dated 02.12.2025.

9. It appears that during the pendency of the petition, the petitioners have circulated Civil Application No.1 of 2026 inter alia contending that the area situated in Jangleshwar is notified area and the State of Gujarat has issued the notification on 13.07.2017 which was published in the Government Gazette on 18.10.2017 whereby revenue survey No. 256 of Rajkot as well as is part of T.P. Scheme No.6 Rajkot is notified area. That the respondents represented through the learned Government Pleader, who has stated before this Court that the State will file the reply, but till submission of the reply, the petitioners have not served with the copy of the representation. That the demolition was scheduled on 23.02.2026 on the above slum area by the Rajkot Municipal Corporation over the different F.P. No. 133, 136, 177, 176, 159 are part of T.P. Scheme No.6 Rajkot and are part of the specified slum area. For this fact, learned Government Pleader has raised serious objection that it is not declared specified area and it was not specified slum area and the civil application was listed before the Coordinate Bench of this Court on 02.03.2026 and the Court has passed an order and kept the matter for hearing on 12.03.2026. During the said period, the actual demolition took place and, therefore, the prayer as sought for has become infructuous as the actual demolition already took place and the Corporation has taken the possession of the subject parcel of

land.

10. Having considered the facts of the case and averments made in the petition and the decisions cited at the Bar and perused the material on record, it appears that the learned Single Judge has passed an order, which is upheld by the Division Bench of this Court, the petition is not required to be entertained as it is settled principles of law that when the government land was encroached upon by unauthorized occupants.

11. The Hon'ble Supreme Court, in the case of ***Kaniz Ahmed Vs. Sabuddin*** and others rendered in ***Special Leave to Appeal (C) No. 12199 – 12200 of 2025***, has held as under:-

> *""4. We admire the courage and conviction with which the High Court has proceeded to take care of unauthorised construction in exercise of its jurisdiction in public interest.*
>
> *5. In one of our recent pronouncements, in the case of Rajendra Kumar Barjatya and Another v. U.P. Avas Evam Vikas Parishad and Others reported in 2024 INSC 990, we have made ourselves very explicitly clear that each and every construction must be made scrupulously following and strictly adhering to the rules and regulations. In the event of any violation, being brought to the notice of the courts, the same should be dealt with iron hands and any leniency or mercy shown to the person guilty of unauthorised construction would amount to showing misplaced sympathy. In our decision referred to above, we have issued the following directions:*
>
> *xxx xxx xxx*
>
> *6. The learned counsel appearing for the petitioner would submit that her client be given one chance to pray for regularization of the unauthorised construction. We do not find any merit in such submission. A person who has no regards for the law cannot be permitted to pray for regularization after putting up unauthorised construction of*

two floors. This has something to do with the rule of law. Unauthorised construction has to be demolished. There is no way out. Judicial discretion would be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law. We are at pains to observe that the aforesaid aspect has not been kept in mind by many State Governments while enacting Regularization of Unauthorized Development Act based on payment of impact fees."

12. In the case of Fuljaha Noormohammed Shaikh (supra), this Court (Coram: Hon'ble Ms. Justice Mauna M. Bhatt) has held and observed in paras 6 to 14 as under:-

6. Considered the submissions and perused the documents supplied by the petitioners (paper-book). At the outset, it is noticed that many averments are made in the petition and in the affidavit in reply referring to alleged criminal activities in the subject premises. However, since the issue involved is with regard to initiation of demolition by respondents, without entering into other aspects, this petition is considered for the prayer made with regard to demolition and rehabilitation. From the submissions made on behalf of the petitioners, it is noticed that this petition challenges the initiation of demolition by respondents on mainly two grounds. Firstly, that though the petitioners are residing with their families on the subject premises since decades, the activity of demolition was initiated without notice to the petitioners, and therefore there is gross violation of principles on natural justice as observed by Hon'ble Supreme Court in the case of Re: Directions in the matter of demolition of structures reported in 2024 (0) INSC 866; and secondly that till the cases of the petitioners are considered under rehabilitation scheme of the Government, the respondents may be restrained to carry out demolition.

7. While dealing with the first contention of the petitioners, it is noticed that their case if plainly put is that merely because they are residing in Chandola Lake area since last 60 years, they may not be deprived of their residences without notice. To show long occupation at the subject premises, paper-book containing certain documents is placed on record. However, it is not disputed that Chandola

Lake is a water body and on a water body, no construction can be permitted. The contention raised that without measurement done as per CRZ Notification, petitioners' premises cannot be stated to be on water body, in the opinion of this Court does not merit acceptance in view of the affidavit dated 29.04.2025, by respondent no.1 that the area for which the demolition activity has been initiated is a lake and water reservoir situated at Dani Limda Road in Ahmedabad. It is further stated on affidavit that said land being admittedly a notified water body, no civic body has ever given any development permission to any person/applicant for construction on the lake.

8. At this stage, it would be apposite to refer to the decision of Hon'ble Supreme Court in the case of Re: Directions in the matter of demolition of structures reported in 2024 (0) INSC 866 on which heavy reliance is placed wherein it is held as under: -

"91. At the outset, we clarify that these directions will not be applicable if there is an unauthorized structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law.

Therefore, the arguments canvassed of breach of principles of natural justice by non-issuance of notice prior demolition does not merit acceptance and thus rejected.

9. The second argument canvassed on behalf of the petitioners is in relation to applicability of rehabilitation and resettlement policy of the State government of 2010 and 2013. It is contended that without providing any alternative accommodation to the petitioners, the action taken of demolition of their houses being illegal, deserves to be stopped by passing restraint orders to the respondents. In this regard, it is noticed that for long occupancy, no documents have been produced along with the petition. The documents like Aadhar Card, Death or Birth Certificate, Electricity Bills, BPL Card, are produced by way of paper-book which refers to petitioners' addresses as Chandola Lake Chapra, Dani Limda, Ahmedabad. Nothing has been produced to justify the construction of premises with some permission.

10. Further, in view of Section 37 of the Gujarat Land

Revenue Code, 1879, the land of a water body is a Government land and, on such land, no construction is permitted. Hence, in the opinion of this Court the construction which has been carried out by the petitioners is illegal construction and appears to have been continued since many years.

11. Now taking the contention that since the petitioners are residing on the subject premises since many years and therefore, they should not be deprived of their houses without providing them adequate opportunity, this Court would like to refer to the decision of Hon'ble Supreme Court in the case of Rajendra Kumar Barjatya and Anr. v.s. U P Avas Evam Vikas Parishad and Ors. Reported in 2024 SC 1172 wherein it is held as under: -

"19. In a catena of decisions, this Court has categorically held that illegally of unauthorized construction cannot be perpetuated. If the construction is made in contravention of the Acts / Rules, it would be construed as illegal and unauthorized construction, which has to be necessarily demolished. It cannot be legitimized or protected solely under the ruse of the passage of time or citing inaction of the authorities or by taking recourse to the excuse that substantial money has been spent on the said construction. The following decisions are of relevance and hence cited herein below to drive home the point that unauthorized constructions must be dealt with, with an iron hand and not kid gloves."

12. Therefore, in the opinion of this Court since the construction of the petitioners are on the water body which is evident from the affidavit filed as also the area is also known as Chandola Lake area, the argument that procedure is not followed and the principles of natural justice being not adhered to, in the opinion of this Court would not be acceptable and therefore the submissions canvased on behalf of petitioners does not merit acceptance and hence the prayer prayed with regard to restraining the respondents from carrying out demolition activity of the subject area is hereby rejected.

13. In the opinion of this Court, reliance placed by the petitioners on Article 14 of the Constitution of India is misplaced since the present is not a case where the 18 petitioners have been discriminated since demolition has already been undertaken in respect of all illegal

constructions as stated in the affidavit. Moreover, reliance placed on Article 21 of the Constitution of India is also misplaced because though right to life includes right to shelter, the petitioners cannot claim a vested right for resettlement and rehabilitation on the very subject premises, which at the cost of repetition, is a water body- Govt. Land.

14. Adverting to the prayer of giving alternative accommodation under rehabilitation scheme of 2010 and 2013 of the State Government, as canvased by learned advocate for the petitioners, it is open for the petitioners to make their individual application, if they are so entitled before the authorities along with required documents and the same may be considered in accordance with law. The contention of the learned advocate for the petitioners that till the time such alternate accommodation is provided, the demolition may be restrained does not merit acceptance since the same would amount to perpetuating illegal occupation/ construction, which would be against the principles of law."

13. In relation to petitioners' right to livelihood and right to shelter, it is open for the petitioners to make their individual applications with requisite documents to the authority concerned. In absence of application made to that effect, the extinguishment of the petitioners right to shelter and right to livelihood does not merit acceptance.

14. The Coordinate Bench of this Court has decided similar issue as involved in the present petition. Hence, in view of the orders passed by the Coordinate Bench of this Court as well as the Division Bench of this Court, I am of the opinion that the petition being meritless deserves to be dismissed.

15. In the result, the petition is dismissed. Rule is discharged. There shall be no order as to costs. Pending civil application/s shall stand disposed of accordingly.

(HEMANT M. PRACHCHHAK,J)

V.R. PANCHAL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VIJAYKUMAR RAMESHBHAI PANCHAL(HC00171), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 23/03/2026 17:52:02