

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**WRIT PETITION (PIL) NO. 137 of 2013**

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PRAVINSINGH BHURABHA CHAUHAN & 12....Applicant(s)
Versus
STATE OF GUJARAT & 7....Opponent(s)

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Appearance:

MR NARENDRA L JAIN, ADVOCATE for the Applicant(s) No. 1 - 13
GOVERNMENT PLEADER for the Opponent(s) No. 1
M/S TRIVEDI & GUPTA, ADVOCATE for the Opponent(s) No. 2
MR DEVANG VYAS, ADVOCATE for the Opponent(s) No. 5 - 6
NOTICE SERVED for the Opponent(s) No. 1 , 4 , 8
NOTICE SERVED BY DS for the Opponent(s) No. 7
UNSERVED-REFUSED (N) for the Opponent(s) No. 3

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CORAM: **HONOURABLE THE ACTING CHIEF JUSTICE MR.
VIJAY MANOHAR SAHAI**
and
HONOURABLE MR.JUSTICE R.P.DHOLARIA

Date : 30/09/2014

ORAL ORDER

**(PER : HONOURABLE THE ACTING CHIEF JUSTICE
MR. VIJAY MANOHAR SAHAI)**

We have heard Mr. N.L. Jain, the learned counsel appearing on behalf of the petitioners, Mr. Parth Bhatt, the learned AGP appearing on behalf of the Respondent Nos. 1, 4 and 8, M/s Trivedi & Gupta, Advocates appearing on behalf of the Respondent Nos. 2 and 3 and Mr. Devang Vyas, the learned Assistant Solicitor General, appearing on behalf of the Respondent Nos. 5 and 6. In spite of service, no one has put in appearance on behalf of the Respondent No.7.

This Public Interest Litigation was filed by the petitioners, praying for the following reliefs:

- “a. To direct the respondent authorities of the state government to conduct measurement of the area actually occupied by the respondent company and be pleased to further direct the authorities to immediately take appropriate steps for removal of the encroachment, if found to be on the gauchar land of the village.*
- b. Pending admission and final hearing of the present application, to direct the respondent no. 2 company to stop the expansion of CHINA COLONY.*
- c. Pending admission and final hearing of the present application, to direct the respondent statutory authorities to immediately demolish the China Colony, that has been illegally constructed upon land encroached by the respondent company.”*

Learned counsel for the petitioners very fairly conceded that in pursuance of the notice issued by this Court on 23rd August, 2013, the Respondent Nos. 2 and 3 themselves have demolished the construction existing on the land in question, which is also verified by the learned AGP. Learned counsel for the petitioners has stated that the demolished debris are removed from the land by the Respondent No.2 and only some small RCC blocks lying at the ground level are visible. Therefore, they cannot be considered to be the debris which are required to be removed.

Since the constructions have been demolished from the land in question by the Respondent Nos. 2 and 3 themselves, the grievance of the petitioners has been redressed, we do not find any reason to

further pass any order in this matter as this petition has been rendered infructuous.

The petition is accordingly dismissed as having become infructuous.

(V.M.SAHAI, ACJ.)

(R.P.DHOLARIA,J.)

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