

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 11451 of 2015**=====  
RAJVEER PRAVINCHANDRA UPADHYAY & 4 other(s)

Versus

STATE OF GUJARAT & 3 other(s)  
=====

## Appearance:

ADVOCATE NOTICE SERVED for the Petitioner(s) No. 2,3,4,5

JAY R SHAH(8428) for the Petitioner(s) No. 1

MR JAY TRIVEDI, AGP ADVANCE COPY SERVED TO GOVERNMENT  
PLEADER/PP for the Respondent(s) No. 1,4

MR ANAL S SHAH(3988) for the Respondent(s) No. 2

MR PRASHANT G. DESAI, SR ADVOCATE with

MR DEEP D VYAS(3869) for the Respondent(s) No.3

NOTICE SERVED BY DS for the Respondent(s) No. 1,4  
=====**CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI****Date : 01/03/2023****ORAL ORDER**

1. By way of this petition, the petitioners have prayed for following reliefs:

“A) YOUR LORDSHIPS may be pleased to admit and allow the present petition;

B) YOUR LORDSHIPS may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction to the respondents to remove / demolish illegal encroachment in Gujarat Housing Board, Chandkheda, Ahmedabad.

C) Pending admission, hearing and final disposal of this petition, YOUR LORDSHIPS may kindly be

pleased to issue necessary direction to the respondents to remove/ demolish illegal encroachment in Gujarat Housing Board, Chandkheda, Ahmedabad.

D) YOUR LORDSHIPS may be pleased to pass any such other and / or further orders that may be thought just and proper, in the facts and circumstances of the present case.”

2. Looking at the reliefs where the petitioners have prayed for very wide prayer to remove / demolish illegal encroachment in Gujarat Housing Board, Chandkheda and on perusal of the petition, this Court finds that the petitioners have not specified as to which specific illegal encroachment the petitioners want to get removed. Despite repeated query from this Court, learned advocate Mr. Jay Shah could not point out as to how the petitioners are aggrieved and which illegal construction affects the petitioners. This Court has noted that without even specifying the area of encroachment, the aforesaid very wide prayer is made.

3. Unless the petition specifies particular illegal encroachment, the Court would not be in a position to

issue any direction either to Gujarat Housing Board or to Ahmedabad Municipal Corporation. Further, the petitioner's locus considering the prayer is questionable. If the petitioners are preferring this petition as aggrieved persons, in that case, it was expected from the petitioners to specify a particular encroachment for which the petitioners are seeking demolition. Considering the wider prayer of demolition made by the petitioners, it is open for the petitioners to file PIL with the same prayer.

4. For the above reasons, this petition cannot be entertained. Accordingly it is dismissed. Notice is discharged. No order as to costs.

**(NIRZAR S. DESAI,J)**

MISHRA AMIT V.