

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 128 of 2023**

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SHAIKH NOORJAHAN BANO W/O RIJVANUDDIN
Versus
STATE OF GUJARAT & ANR.

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Appearance:

ROBIN PRASAD(9344) for the Applicant(s) No. 1
MR PRASHANT S. UNDURTI FOR MR. G. H. VIRK assisted by
MS.DHARITRI PANCHOLI and MS.HETAL PATEL ASST.GOVERNMENT
PLEADERS for the Opponent(s) No. 1

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

Date : 04/10/2024

ORAL ORDER

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

[1] The present petition has been filed in the nature of Public Interest Litigation seeking for a direction for rehabilitation of hutment dwellers in accordance with the Regulation for the Rehabilitation and Redevelopment of the Slums, 2010 (for short, "the Regulation' 2010").

[2] It is stated in the affidavit filed in compliance of the order dated 20.12.2023 that out of 57 hutment dwellers, whose names are indicated at Annexure - A to the writ petition, nine (9) hutment dwellers, whose names are there in the table indicated in the affidavit dated 24.04.2024 are not



traceable. Out of the remaining, the eviction notices with respect to all, were issued on 07.10.2023 for their eviction from Piranana Chhapra at Behrampura situated at land bearing Electoral Ward No. 35 (Behrampura) of T.P. Scheme No.13 (Behrampura). The copies of these notices issued to the hutment dwellers, indicated in the table given as Annexure - A to the writ petition, have been appended along with the said affidavit.

[3] The contention in the writ petition is that these hutment dwellers are sought to be evicted without providing for the benefits of the Regulations for Rehabilitation of slum dwellers framed in the year 2010. As the dispute raised in the present petition would require a factual inquiry at the level of the Competent Authority of the Ahmedabad Municipal Corporation, we do not find any good reason to keep the writ petition pending.

[4] It is further submitted that Mr. Prashant S. Undurti holding brief of Mr. G. H. Virk, learned advocate appearing for the Corporation that for getting the benefit of the Regulations' 2010, each of the hutment dwellers, who is allegedly facing eviction, is required to move an appropriate application, upon which an inquiry can be conducted by the Corporation.

[5] We, therefore, provide that the hutment dwellers, whose name are indicated at Annexure - A of the writ petition, barring nine persons whose names are indicated in the table in the affidavit dated 24.04.2024 and are not traceable, may file a proper application along with the copy of this order,



individually. All such applications be presented within the period of **two weeks** from today.

[6] The present petition is being disposed of with the observation that the application of each of the hutment dwellers, as indicated in the affidavit dated 24.04.2024, shall be examined by the competent authority of the Ahmedabad Municipal Corporation and separate reasoned orders shall be passed with regard to the application of each of the hutment dwellers, noted hereinabove, after providing them due opportunity of personal hearing, as expeditiously as possible preferably within the period of **six weeks** from the date of the receipt of the copy of this order.

[7] Till such a decision is taken by the competent authority, none of the aforesaid persons / hutment dwellers shall be evicted from the site in question, if not already evicted.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER