IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 12380 of 2026

With
R/SPECIAL CIVIL APPLICATION NO. 12382 of 2026

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GAURANGBHAI VASANTBHAI PATEL & ORS.

Versus

THE HIGHWAY ADMINISTRATOR , PIU-SURAT-NHAI & ORS.

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Appearance:
MR AJ YAGNIK(1372) for the Petitioner(s) No. 1,10,11,12,13,14,15,2,3,4,5,6,7,8,9
MR MEHUL B DHONDE(12928) for the Petitioner(s) No. 1,10,11,12,13,14,15,2,3,4,5,6,7,8,9
MS MANISHA SHAH, AAG for the Respondent(s) No. 3,4
MR PRADIP D BHATE(1523) for the Respondent(s) No. 5
MR MAULIK NANAVATI, ADV FOR NANAVATI & CO.(7105) for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 31/08/2026

ORDER

1. Learned advocate Mr. A. J. Yagnik under instructions states that all the petitioners of both these petitions would be represented by him before the concerned authority of the National Highways Authority of India pursuant to the notices dated 06.08.2026, 10.08.2026 and any other notice which is the subject matter of this petition and learned Advocate Mr. Yagnik himself will appear in a capacity of representative of the petitioner on 07.09.2026 at 11:00 AM.

2. It is the case of learned advocate Mr. Yagnik that the present petitioners are not the encroachers and they

are the owners of the land which is not acquired for the purpose of National Highway Authority of India. In view of above submission learned Advocate Mr. Yagnik states that he may be permitted to appear before the authority as a representative of all the petitioners of both the petitions.

3. Learned advocate Mr. Maulik Nanavati states that the authority does not have any objection if the petitioners through their representative learned advocate Mr. A.J. Yagnik appears before the authority on 07.09.2026. After hearing the petitioners, the authority shall pass appropriate order within a period of one week thereafter.

4. At this juncture, it is pointed out by learned Additional Advocate General Ms. Manisha Luvkumar Shah that it is also the case of the petitioners, as can be seen from the pleadings of the petition, that the petitioners are claiming that they are not covered by the judgment of the Hon'ble Supreme Court in case of ***Gyan Prakash versus Union of India and others*** reported in ***2025 (7) SCC 174*** decided on 21.05.2025 as well as the ***Suo Motu Writ Petition (Civil) No. 9 of 2025*** in re: ***Phalodi Accident versus National Highway Authority of India and others*** where directions were issued by the Hon'ble Supreme Court vide order dated

13.04.2026 and therefore the authority may also be directed to decide the aforesaid contention that is raised in these petitions about whether the petitioners are covered by these two judgments or not and therefore the petitioners may be directed to make good their contention before the authority.

5. In view of above submission, the respondents, more particularly, respondent nos. 1 and 2 are directed to hear the petitioners through their representative learned advocate Mr. A.J. Yagnik on 07.09.2026 and to pass appropriate order upon hearing them latest by 16.09.2026.

6. With the above observation and direction, without entering into the merits of the matter, both these petitions are disposed of.

7. It is expected from the authority that till the petitioners are heard and their representation is decided, no coercive order shall be passed. Direct service permitted.

(NIRZAR S. DESAI,J)

Anuj

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SISODIYA ANUJSINH(HCD0069), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 31/08/2026 17:52:23