IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 18003 of 2025

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KHATKI AJGAR BIKAN & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR. SHIVAM N MAJMUDAR(14001) for the Petitioner(s) No. 1,10,100,101,102,103,104,105,106,107,108,109,11,110,111,112,113,114,115,116,117,118,119,12,120,121,122,123,124,125,126,127,128,129,13,130,131,132,133,134,135,136,137,138,139,14,140,141,142,143,144,145,146,147,148,149,15,150,151,152,153,154,155,156,157,158,159,16,160,161,162,163,164,165,166,167,168,169,17,170,171,172,173,174,175,176,177,178,179,18,180,181,182,183,184,185,186,187,188,189,19,190,191,192,193,194,195,196,197,198,199,2,20,200,201,202,203,204,205,206,207,208,209,21,210,211,212,213,214,215,216,217,218,219,22,220,221,222,223,224,225,226,227,228,229,23,230,231,232,233,234,235,236,237,238,239,24,240,241,242,243,244,245,246,247,248,249,25,250,251,252,253,254,255,256,257,258,259,26,260,261,262,263,264,265,266,267,268,269,27,270,271,272,273,274,275,276,277,278,279,28,280,281,282,283,29,3,30,31,32,33,34,35,36,37,38,39,4,40,41,42,43,44,45,46,47,48,49,5,50,51,52,53,54,55,56,57,58,59,6,60,61,62,63,64,65,66,67,68,69,7,70,71,72,73,74,75,76,77,78,79,8,80,81,82,83,84,85,86,87,88,89,9,90,91,92,93,94,95,96,97,98,99
GOVERNMENT PLEADER for the Respondent(s) No. 1
MS JIRGA D JHAVERI(3471) for the Respondent(s) No. 2,3,4,5

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CORAM:**HONOURABLE MR.JUSTICE J. L. ODEDRA**

Date : 26/12/2025

ORAL ORDER

1. The petitioners herein are vegetable and fruit vendors operating from Chhatrapati Shivaji Vegetable and Fruit Market, Pandesara, Surat. It is their case that they are being forcibly displaced and compelled to shift their

business to the Pandesara Khaadi area against their will by the respondent no.2, without affording the petitioners any opportunity of hearing and without considering the petitioners' detailed representations dated 30.04.2025 and 18.12.2025, thereby violating the principles of natural justice as also their fundamental rights.

2. It is the contention of the learned advocate Mr. Shivam Majmudar appearing for the petitioners that the concerned vegetable market is to be reconstructed with modern amenities, to which the present petitioners can not possibly have any objections. However, it was submitted that the proposed site of relocation is unhygienic, polluted and unsuitable for vending of perishable food items and the same would destroy the livelihood of the petitioners and pose serious public health concerns.

3. It was submitted that the respondent no.2 – Municipal Corporation had issued notices dated 18.03.2025 and 19.12.2025 and that as the time for shifting is eminent i.e., 7 days from 19.12.2025, the petitioners have approached this Court. It was submitted that the notices have been issued despite the fact that representations of the

petitioners were addressed to the Urban Development and Urban Housing Department, Sachivalaya, Gandhinagar, by providing a copy of the representation, as back as on 06.04.2025. Similarly, the Municipal Commissioner, Surat Municipal Corporation, Deputy Municipal Commissioner and Zonal Chief, South Zone – A, Asst. Municipal Commissioner, South Zone – A, too were served with the representation, way back on 30.04.2025. It was submitted that the petitioners were in the very vicinity, doing their business and earning their livelihood for anywhere between 12 to 50 years. It was submitted that prejudicing the livelihood of the petitioners even without giving them an opportunity of hearing, warrants immediate protection.

4. On the other hand, learned advocate for the respondent Ms. Jirga Jhaveri has submitted that the manner in which the site of relocation is portrayed highly dubious and that no map has been adduced by the petitioners to indicate the exact location. It was submitted that this Court was misled on the exact site of the relocation. It was submitted that the photographs produced on record by the petitioners at Annexure-E are misleading inasmuch as the waste water flow depicted at Photograph-2 at Annexure-E is not close to

the site at which the authorities are seeking to shift the petitioners. In any case, under instructions, learned advocate for the respondents has submitted that the Corporation has prepared to afford the petitioners herein, a hearing on 29.12.2025 itself at 12:30 PM. It was submitted that the decision on the said hearing shall also be conveyed to the petitioners on the same date.

5. The learned advocate for the petitioners was amenable to the petitioners being heard. However, it was submitted that notwithstanding lack of representation by all of the current petitioners, all petitioners may kindly be given an opportunity of hearing to which this Court is inclined to direct the respondent authorities to give an opportunity to all of the petitioners.

6. Thus, this Court directs that the petitioners shall approach the respondent authorities, respondent no.2, with their representation of the petitioners. It shall be open for the petitioners to raise each available contentions before the respondent authority, irrespective of it having been raised before this Court or otherwise. The authority shall consider the representations, be it oral or written and shall decide

the same at the earliest. Moreover, after deciding the representations, reasonable period of 15 days shall be provided to the petitioners to abide by the outcome of such representation or to enable them to challenge the same before the appropriate forum.

7. The petition stands disposed of, it having been allowed to the aforesaid extent.

(J. L. ODEDRA, J)

JIGAR J RABARI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: JIGAR RABARI(HCD0067), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 26/12/2025 17:54:47