

Government of Gujarat  
Urban Development and Urban Housing Department,  
Sachivalaya, Gandhinagar.

Dated 16th December, 1997

NOTIFICATION

The Gujarat Town Planning & Urban Development Act, 1976

No.GH/V/146 of 1997/TPS-1496/1899-L1-

WHEREAS under Government Notification, Urban Development and Urban Housing Department No.GH/V/8 of 1987/TPS-1486-591-L dated 5th January, 1987, the Government of Gujarat had in exercise of the powers conferred by sub-section (2) of section 48 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976) (hereinafter referred to as "the said Act") sanctioned the draft Town Planning Scheme, Surat No.16 (Kapadara) (hereinafter referred to as "the said draft scheme") submitted to it by the Surat Municipal Corporation, Surat.

AND WHEREAS in exercise of the powers conferred by section 50 of the said Act, Government of Gujarat appointed the Town Planning Officer for the said draft scheme:

AND WHEREAS under Government Notification, Urban Development and Urban Housing Department No. GH/V/402 of 1994/TPS-1439-713-L dated 17th September, 1994, the Government of Gujarat in exercise of the powers conferred by section 65 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976) has sanctioned the Town Planning Scheme Surat No.16 (Kapadara) Preliminary:

AND WHEREAS the Town Planning Officer has submitted to the Government of Gujarat, the Town Planning Scheme Surat No.16 (Kapadara) Final Scheme (hereinafter referred to as "the said Final Scheme"), as required under sub-section (2) of Section 52 and sub-section (2) of Section 62 of the said Act:

AND WHEREAS the petitioner Shri. Ramanlal Nathubhai and Others filed Special Civil Application No.5800 of 1996 against the State of Gujarat and others in the Hon'ble Gujarat High Court;

AND WHEREAS Natwarlal Kavarji Patel and others filed Special Civil Application No.4733 of 1996 against the State of Gujarat and others AND WHEREAS Shri Natwarlal Kavarji Patel and others

filed a Civil Application No. 987 of 1997 against the State of Gujarat and others in Special Civil Application No. 4733 of 1996.

AND WHEREAS the State of Gujarat has filed a LPA No. 231 of 1997 against Shri Natwarlal Kuvarji Patel and others AND WHEREAS the State of Gujarat has filed a CA No. 2970 of 1997 in the aforesaid LPA No. 231 of 1997.

AND WHEREAS in the aforesaid SCA No. 5800 of 1996 Shri Ramānlal Nathubhai and others Vs. the State of Gujarat and others, the Hon'ble Gujarat High Court has passed the following order dated 5.8.1996:

"Rule to be heard with Spl.C.A. No. 4733 of 1996. Notice as to interim relief returnable on 14.8.96. By way of ad-interim relief, status-quo with respect to the subject matter of this petition is ordered to be maintained by both the sides. Direct Service is permitted.

It is hereby accordingly ordered that, you, your servants and agents be and are hereby directed to maintain status quo with respect to the subject matter of this petition."

AND WHEREAS in the aforesaid SCA No. 4733 of 96, Shri Natwarlal Kuvarji Patel and others Vs. the State of Gujarat and others, the Hon'ble Gujarat High Court has passed the following order dated 9.7.1996:

"Rule. Notice as to interim relief returnable on 24.7.1996. By way of ad-interim relief, status quo with respect to the subject matter of this petition is ordered to be maintained by both the sides. Direct Service is permitted.

It is hereby accordingly ordered that, you, your servants and agents be and are hereby directed to maintain status quo with respect to the subject matter of this petition."

AND WHEREAS in the aforesaid CA No. 987 of 1997 Shri Natwarlal Kuvarji Patel and others Vs. the State of Gujarat and others, the Hon'ble Gujarat High Court has passed the following order dated 5.2.1997:

"Rule. M/s. Patel Advocates, the Government Solicitors waive the service of Rule for the Respondent No.1, 2 and 3 Learned Counsel Mr. Prashant Desai waives the service of Rule for the Respondent No.5. With the consent of the Learned Counsels, the application is taken up for final hearing. The Learned Counsels have been heard, the Civil Application is granted. The Respondents No.1, 2 and 3 are hereby direct to consider the representation, Annexure 'B' & 'C' to the main petition made by the petitioners in April 1997 and September 1997 respectively, within a period of two weeks from the date of receipt of the writ of the present orders. Rule is made absolute accordingly, with no order as to costs. Direct Service is permitted."

AND WHEREAS in the aforesaid LPA No.231 of 1997, The State of Gujarat and others V. Shri Natwarlal Kavarji Patel and others, the Hon'ble Gujarat High Court has not passed any orders.

Now, therefore, in exercise of the powers conferred by Section 45 of the said Act, the Government of Gujarat hereby:

(a) sanctions the said final scheme subject to -

(i) aforesaid order dated 5th August 1996 of Hon'ble High Court in SCA No.5800/96 and the final decision so far as it relates to the matter involved in Gujarat High Court SCA No.5800/96 filed by Ramanlal Nathubhai and others V/s. State of Gujarat and others;

(ii) the final decision so far as it relates to the matter involved in LPA No.231 of 97 by State of Gujarat and others Vs. Shri Natwarlal Kavarji Patel and others in aforesaid CA No.987 of 97 in the aforesaid SCA No.4733 of 1996.

(b) states that "the said final scheme" shall be kept open to inspection by the public at the office of the Surat Municipal Corporation, Surat during office hours on every day except Sundays and holidays; and

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(c) fixes the 17th January, 1998 as the date for the purpose of clause (b) of sub-section (2) of the said section 65.

*(Signature)*

G. H. TAMAKUMAR  
Officer of the City & Joint Secretary to the  
Government of Gujarat  
Urban Development & Urban Housing Department

Copy to:

- The Commissioner, Surat Municipal Corporation, Surat
- The Chief Executive Authority, Surat Urban Dev. Authority, Surat
- The Collector, Surat, District Surat
- The District Development Officer, Surat District, Surat.
- The Mamlatdar, Surat City, Surat
- ✓ The Chief Town Planner, Gujarat State, Gandhinagar (5 copies)  
(With scheme papers receipt of which may be acknowledged.)  
He is requested to please take necessary action as per Rule No. 31 of Gujarat Town Planning & Urban Development Rules, 1979.
- The Director of Information, Gandhinagar  
With a request to issue suitable press note.