

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) Diary No(s). 41707/2024

JAVEDALI MAHEBUBMIYA SAIYED

Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

Date : 12-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Petitioner(s) Mr. Iqbal Syed, Sr. Adv.
Mr. Mohammad Aslam, AOR
Saroj Kumar Sinha, Adv.
Mr. V. Bhandari, Adv.
Mr. Amaan Syed, Adv.
Mr. Vivek Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Iqbal Syed, learned senior counsel appearing for the petitioner.
2. The counsel would refer to the revenue records of Village Kathlal in Kheda District (Annexure P/1) to point out that the petitioner is recorded as a co-owner of the said land. The counsel next refers to the resolution passed on 21.08.2004 of the Kathlal Gram Panchayat which grants permission to build residential house Nos. 26 and 48, over the said land. It is then submitted that 3 generations of the petitioner's family are residing in the said houses for last about 2 decades.

3. Yet, when the FIR came to be registered on 01.09.2024 against one family member, the municipal authorities have threatened to bulldoze the petitioner's family home.

4. The petitioner refers to the complaint under Section 333 of the Bharatiya Nyaya Sanhita, 2023 addressed to the Deputy SP, Nadiad, Kheda District on 06.09.2024 describing the situation and making it clear that law should take its own course against the person accused of crime. But, the Nagar Palika or others in the shadow of the Nagar Palika, should have no reason to either threaten or to take any steps such as using bulldozer, to demolish the legally constructed and legally occupied house/residence of the petitioner. The counsel would also refer to the orders passed by this Court on 02.09.2024 in the WP(C) No. 295 of 2022 which indicates that for similar threats of bulldozing the residences of accused of crimes, the Court proposes to take PAN-India action.

5. In a country where actions of the State are governed by the rule of law, the transgression by a family member cannot invite action against other members of the family or their legally constructed residence. Alleged involvement in crime is no ground for demolition of a property. Moreover the alleged crime has to be proved through due legal process in a Court of law. The Court cannot be oblivious to such demolition threats inconceivable in a nation where law is supreme. Otherwise such actions may be seen as running a bulldozer over the laws of the land.

6. Issue notice, returnable in four weeks.

7. In the meantime, status quo in respect of the petitioner's property is to be maintained by all concerned.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR