

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 979 of 2019**

**In R/WRIT PETITION (PIL) NO. 170 of 2017**

**With**

**CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2024**

**In R/MISC. CIVIL APPLICATION NO. 979 of 2019**

**With**

**CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2023**

**In R/MISC. CIVIL APPLICATION NO. 979 of 2019**

**With**

**R/WRIT PETITION (PIL) NO. 139 of 2021**

**With**

**CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023**

**In R/WRIT PETITION (PIL) NO. 139 of 2021**

**With**

**CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2023**

**In R/WRIT PETITION (PIL) NO. 139 of 2021**

**With**

**CIVIL APPLICATION (FOR JOINING PARTY) NO. 3 of 2023**

**In R/WRIT PETITION (PIL) NO. 139 of 2021**

**With**

**R/SPECIAL CIVIL APPLICATION NO. 19471 of 2023**

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MUSTAK HUSSAIN MEHNDI HUSSAIN KADRI

Versus

JAGADIP NARAYAN SINGH, IAS & ANR.

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Appearance:

MR AMIT M PANCHAL(528) for the Applicant(s) No. 1

G H VIRK(7392) for the Opponent(s) No. 2

GOVERNMENT PLEADER for the Opponent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE A.Y. KOGJE**

**and**

**HONOURABLE MR. JUSTICE SAMIR J. DAVE**

**Date : 29/08/2024**

**ORAL ORDER**

**(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)**

1. Pursuant to the directions in our earlier order dated 22.08.2024, Mr. M. K. Das, Additional Chief Secretary, Home Department, State of Gujarat and Mr. Ashwani

Kumar, Principle Secretary, Urban Development and Urban Housing Department, Gandhinagar are present before the Court.

2. The recent rains from 25.08.2024, 26.08.2024 and 27.08.2024, all over Gujarat have thrown the civic authorities out of gear which has led to despicable difficulties that the citizens had to face on account of the inability of the civic authorities to hold on to the basic amenities of road, electricity and water clogging. In this background, the Court would examine now the directions issued by this Court in R/Writ Petition (PIL) No. 170 of 2017 and observe that had the directions so issued been scrupulously followed, to the possible extent, then also, the trouble faced by the citizens could have been avoided.

3. Shri Kamal Trivedi, learned Advocate General, referring to the directions contained in R/Writ Petition (PIL) No. 170 of 2017, has assured the Court that the attending officers have taken the directions in the right earnest and are bound to comply with such directions. He has also indicated that for the implementation of such directions, there has to be a continuous process with necessary follow up on day-to-day basis. It is submitted that the State Government as well as the attending officers are duty bound and committed to undertake all the necessary actions in the direction of implementing the orders of the Court.

3.1 For the aforesaid reason, learned Advocate General has indicated that the State is open to any suggestion that may be made from any quarters as the State is not

taking this as an adversarial litigation.

4. This Court has heard the matter from time to time and by way of affidavits and additional affidavits, the corporation has also brought on record the action taken in all the three fields i.e. to say cattle menace, road traffic and unauthorized encroachment, but as is submitted, this issue needs to be continuously monitored, a suggestion is made on behalf of the petitioner to form a Task Force so that the implementation of the directions can be reported to the Court as also any laxity in implementation may also be brought to the notice of the respective authorities.

5. Learned Advocate General has immediately agreed to the formation of the Task Force. However, the Court is of the view that for the time being, when the machinery and the hierarchy within the Government itself is self sufficient to address the grievance and implement the direction, the suggestion of constituting to the Task Force may be considered at a later stage. However, the Court deems it appropriate to appoint learned Senior Advocate Shri Bhaskar P. Tanna with learned advocate Mr. Harshesh Kakkad as Amicus Curiae to assist the Court.

6. The Court is conscious that today the issue only focusing on purging of the contempt. The issue of proceeding for a contempt of the Court would obviously be followed at a later stage.

7. One of the directions in the PIL was with regard to the setting up a Grievance Redressal Cell so as to draw attention of the authorities to the problem at the earliest

and for the authorities to attend within stipulated time. It is reported that pursuant to such directions, the Grievance Redressal Cell is made operational. However, the same is restricted only to the limits of City of Ahmedabad. The Court may draw attention of the State for creating a common Grievance Redressal Cell for the State of Gujarat which will deal with all the suggestions in connection with which the directions have been issued in the R/Writ Petition (PIL) No. 170 of 2017.

8. So as to enable learned Advocate General to give reaction of the State as also to formulate the modalities and functionalities of such Grievance Redressal Cell and periodic reporting to this Court, with the assurance given by the attending officers, Stand over to **12.09.2024**.

9. The directions which were issued in the earlier order in R/Writ Petition (PIL) No. 170 of 2017 as well as the orders passed from time to time in this very application, Mr. M. K. Das, Additional Chief Secretary, Home Department, State of Gujarat and Mr. Ashwani Kumar, Principle Secretary, Urban Development and Urban Housing Department, Gandhinagar, all Police Commissioners, all Municipal Commissioners, all District Superintendents of Police and all Collectors of the State of Gujarat will be responsible for implementing and complying the directions issued by this Court in PIL No.170 of 2017.

10. As is indicated in the previous orders in this petition from time to time, for the reason of continuous monitoring of the progress in implementation of the

directions of this Court, the Court deems it fit to treat the matter as part heard.

11. Learned advocate appearing for the applicant to supply the entire set of the application with all necessary documents in soft form to learned Amicus Shri Bhaskar P. Tanna and learned advocate Mr. Harshesh Kakkad.

12. Registry is directed to forward copy of the order to Mr. M. K. Das, Additional Chief Secretary, Home Department, State of Gujarat and Mr. Ashwani Kumar, Principle Secretary, Urban Development and Urban Housing Department, Gandhinagar, all Police Commissioners, all Municipal Commissioners, all District Superintendents of Police and all Collectors of the State of Gujarat.

**(A.Y. KOGJE, J)**

**(SAMIR J. DAVE, J)**

SIDDHARTH