

(2019) 08 GUJ CK 0068

In the Gujarat High Court

Case No : R/Writ Petition (PIL) No. 168 Of 2016

Dineshbhai Kalidas Chokshi

APPELLANT

Vs

State Of Gujarat And Others

RESPONDENT

Date of Decision : 23-08-2019

Acts Referred:

Citation : (2019) 08 GUJ CK 0068

Hon'ble Judges : S.R. Brahmbhatt, J;A.P. Thaker, J

Bench : Division Bench

Advocate : Darshan A. Dave, Premal R. Joshi

Final Decision : Disposed Of

Judgement

S.R. Brahmbhatt, J

1. The petitioner has taken out this writ petition (PIL) for seeking appropriate relief with following prayers:

"(A) This Hon'ble Court may be pleased to issue appropriate writ, order, direction directing the respondent authorities to remove the encroachment made on the pond situated on Survey No. 190 of Dholka Town;

(B) Pending hearing and final disposal of this petition, this Hon'ble Court may direct the respondents to submit a report of encroachment on the pond situated on Survey No. 190 of Dholka Town.

(C) This Hon'ble Court may be pleased to pass such other and further order as the Hon'ble Court deems fit and proper in the interest of justice."

2. Learned advocate for the petitioner submitted that though prayers are made but real concerned of the petitioner and other public is that on account of way to the graveyard being littered with construction, debris and other materials and it has resulted into thwarting the flow of free water into the pond and therefore, there has to be an appropriate attempt and efforts on the part of the authority to

see to it that way to graveyard remained intact and debris be removed from it.

3. A appose the same, Shri. Joshi, learned advocate appearing for respondent no. 2 Municipality submitted that the kuccha road, which is going towards the graveyard i..e on survey no. 735 and grievance of the petitioner that natural flow of the water be fall in into the pond, that municipality will remove the construction and debris so that water may flow freely if there is some obstruction. He also submitted that Fatehvadi canal is not of municipality.

4. Shri. Utkarsh Sharma, learned AGP submitted that the State would cooperate and help the municipality in the task of removing the debris without affecting the graveyard and land on which the way to graveyard is there.

5. In view of these statements, now nothing survive in this matter and petition is required to be disposed of and is disposed of accordingly.