

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**

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MUSTAK HUSSAIN MEHNDI HUSSAIN KADRI**Versus****JAGADIP NARAYAN SINGH, IAS & ANR.**

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Appearance:**MR BHASKAR TANNA, SENIOR ADVOCATE &****MR AMIT M PANCHAL(528) for the Applicant(s) No. 1****MR G H VIRK, GOVERNMENT PLEADER with****MS VRUNDA SHAH, AGP for the Opponent(s) No. 1 , 2**

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**and****HONOURABLE MS. JUSTICE GITA GOPI****Date : 29/01/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. This matter has been going on since the year 2019. The order-sheets reflect that time and again, this Court has passed almost 62 orders directing implementation of the directions issued by this Court vide judgment and orders dated 11.05.2018 and 07.08.2018 passed in Writ Petition (PIL)

No.170 of 2017. The last order is of dated 29.08.2024, wherein the Coordinate Bench had directed the concerned Additional Chief Secretary, Home Department, State of Gujarat, Principal Secretary, Urban Development and Urban Housing Department, Gandhinagar, all the Police Commissioners, all the Municipal Commissioners, all the District Superintendents of Police and all the Collectors of the State of Gujarat, to implement the directions issued by this Court.

2. Thus, it appears that passing of the orders are treated as “routine process” by the respondent- State authorities and as and when such orders are passed, the directions are implemented momentarily only for that period, when the matter is taken up by this Court, and thereafter, the things return to its original position. It is not that the respondent-authorities have totally ignored the directions but the directions are only momentarily complied with, as and when this Court points out the lacuna on the part on the respondent-State authorities.

3. The present litigation has to end some day and after passage of all these years and also after passing of almost 62 orders, it was expected that the judgment and orders dated 11.05.2018 and 07.08.2018 passed in Writ Petition (PIL) No.170 of 2017, and the directions issued therein should have been complied to the fullest extent.

4. Learned senior advocate Mr.Tanna and learned advocate Mr.Panchal, have vehemently submitted that there is flagrant violation of the directions issued by this Court, despite there

being law framed.

5. Learned senior advocate Mr.Tanna, has referred to the Parking Policy 2021 for Ahmedabad City regulating the traffic issue and illegal parking. He has also referred to the Gujarat Roads Safety Authority Act, 2018, which is framed for the safety of the citizens of the State of Gujarat. It is submitted by him that neither the Parking Policy 2021 for Ahmedabad City nor the provisions of the Gujarat Roads Safety Authority Act, 2018, are being effectively implemented.

6. Thus, we are of the considered opinion that since the matter has travelled for all these years, it cannot be further stretched to an extent that on every occasion, this Court would be constrained to again waste its time repeating its directions without there being concrete result or compliance of such orders. Thus, this Court is left with no other option but to frame charge against the responsible officers, who keep on the violating the directions issued by this Court, time and again in the present application and also the initial directions of the judgment and orders, as mentioned hereinabove.

7. Today again, the matter has been heard at length. An assurance has been given by the learned Government Pleader Mr.G.H. Virk that the State Government and the Ahmedabad Municipal Corporation and other departments would see to it that the orders are complied with, and offenders would be taken to task and appropriate legal action, as provided under the law. He has assured that the personnels, who are assigned such duties by the respective departments, are also instructed

to see that the directions issued by this Court are complied with.

8. This Court, for last six years, with the hope that the directions are complied with and the citizens of this city as well as the State feel secure, as and when they go out from their home on their vehicles however, the State has failed in framing an effective policy to handle the grave and chaotic situation.

9. The Corporation has only acted when this Court compels them to do so. We find that there is no voluntary action taken at their end or at their behest to implement the directions relating to illegal encroachment and removal of the same and to take action against the offenders.

10. On the request of the learned Government Pleader Mr.Virk, in order to see that the directions issued by this Court are not further violated blatantly and the same are effectively implemented, the matter is ordered to be listed on **06.02.2025**.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(GITA GOPI,J)

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