

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 979 of 2019
In R/WRIT PETITION (PIL)/170/2017**

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/SPECIAL CIVIL APPLICATION NO. 19471 of 2023

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 APPEARING AS
AMICUS CURIAE WITH MR AMIT M PANCHAL(528) for the
Applicant(s) No. 1**

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

MS. SHRUTI DHRUVE AGP for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA

and

HONOURABLE MR. JUSTICE L. S. PIRZADA

Date : 15/10/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. It is noticed by us that as and when the matter is listed, there have been unwanted altercations between learned Amicus Curiae and learned advocate Mr. Amit Panchal as well

as learned Government Pleader Mr.G.H.Virk on the issues / orders passed by this Court. Today also, learned Amicus Curiae, Mr.Bhaskar Tanna, Senior Advocate, has vehemently submitted that, in fact, there is no compliance with the orders passed by this Court by the State as well as the Corporation authorities, and no effective steps have been taken even after the passage of so many years.

2. It is not in dispute that pursuant to the monitoring done by this Court and the orders passed in the present matter, the State authorities as well as the authorities of the Corporation have been taking effective measures in implementing the directions to see that unauthorized illegal parking, wrong lane driving, and removal of boards, banners, and hoardings have been undertaken, and the status reports are already produced on record. Hence, we do not agree with the suggestions made by the learned Amicus Curiae that no action has been taken by the respondent authorities in implementing the directions issued by this Court. Both learned Amicus Curiae, Mr.Bhaskar Tanna as well as learned advocate Mr. Panchal have pointed out the directions issued by the Supreme Court in the case of S. Rajaseekaran vs. Union of India & Ors., 2025 SCC OnLine SC 2191. At the outset, learned Amicus Curiae, Mr.Tanna has pointed out the directions issued in Paragraph No.35 of the Supreme Court and has submitted that those directions are required to be scrupulously implemented by the State Authorities, which they have not done since the year 2016 in the present matter, though the State Government was a party before the Supreme Court in the said matter. It is submitted

that the State Government is required to comply with the directions issued by the Supreme Court.

3. Learned advocate Mr.Panchal, at the outset, has vehemently opposed the appointment of Amicus Curiae in the present matter as it pertains to contempt jurisdiction and is between the contemnor and the applicant, and the learned Amicus Curiae is treating the present matter as a Public Interest Litigation (PIL). He has admitted that, in fact, efforts are being made in a phased manner by the respondent authorities to see that the directions are complied with. Learned Government Pleader Mr.G.H.Virk has also opposed the submissions of the Amicus Curiae and has submitted that, in fact, as directed by this Court, the authorities have already taken action and timely reports have already been produced before this Court.

4. While passing the order dated 06.08.2025, in Paragraph Nos.12, 13, 14 and 15, we had recorded the submissions advanced by learned Amicus Curiae as under:

"12. We welcome the suggestions made by the learned Senior Advocate, Mr. Tanna. However, the issue remains as to whether this Court can give additional directions to the respondent State authorities to implement the suggestions over and above the directions issued by the Division Bench, of which compliance is sought in the present contempt proceedings.

13. It is our considered opinion that the State Government, in its wisdom, can always adopt such suggestions if required to ensure that the directions issued by this Court are implemented. However, this Court cannot, in the present proceedings, compel the State Government to implement the suggestions, and appropriate directions can be issued in the Public

Interest Litigation.

14. By issuing additional directions as suggested, the Court would be traveling beyond its jurisdiction while examining the present contempt proceedings.

15. It is within the domain and discretion of the respondent authorities to adopt various methods or technology to facilitate and ensure the effective implementation of the directions issued by the Division Bench in the judgment from which the present contempt proceedings emanate."

5. Thus, this Court has already clarified that the present proceedings cannot be treated as PIL, and no additional directions can be issued. It is noticed by us that there has been vehement opposition by learned advocate Mr.Panchal and learned Government Pleader Mr.Virk to the appointment of Amicus Curiae in the present matter. We have also noticed that the scope of the matter is attempted to be enlarged to that of PIL by learned Senior Advocate Mr.Tanna. Hence, we relieve learned Senior Advocate Mr.Tanna from being Amicus Curiae in the present matter in view of the opposition of learned advocate Mr.Panchal as well as learned Government Pleader Mr.Virk. In case, if it is found necessary, his valuable assistance will be taken by this Court in the future.

6. We have perused the decision of the Supreme Court, and it is noticed by us that the Supreme Court, on the issues raised in the PIL before it with regard to the wearing of helmets, wrongful lane driving, LED dazzling lights, and framing of the Rules by the State Governments, has issued appropriate directions. However, in Paragraph No.37, the Supreme Court has directed the Registry to list the matter before it after a period of 07 (seven) months to report

compliance with the directions.

7. Further directions in the matter are issued as under:

* The Gujarat High Court State Legal Services Authority (GHCSLSA) is directed to prepare a report of the S.G. Highway, C.G. Road, Judges Bungalow Road, the road from Naranpura Crossroads to Gujarat High Court Complex via Ankur, Shastrinagar, Ghatlodia, and also the road from Vadaj Circle towards Delhi Darwaja (via Dudheshwar Road), including Stadium Road, to survey and prepare a report of illegal parking or the parking done on the roads abutting shopping centers, restaurants / fast food restaurants, pan parlours, party plots, etc., and also wrong lane driving. Necessary survey shall be undertaken after Diwali between 29.10.2025 and 07.11.2025.

* We further direct that such report shall be supplied to the learned advocates appearing for the respective parties. The exercise by the respondent authorities, which is being continued during the pendency of these proceedings, shall continue till the next date.

The matter shall be listed on 12.11.2025.

(A. S. SUPEHIA, J)

(L. S. PIRZADA, J)

Jaimin Prajapati/10