

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 9 of 2024**

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RE-MANAGEMENT OF THE WATER BODIES SUCH AS
RESERVOIRS/PONDS/RIVERS/LAKES IN THE STATE OF GUJARAT, &
ANR.

Versus

STATE OF GUJARAT THROUGH THE SECRETARY HOME DEPARTMENT
& ORS.

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Appearance:

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LAW OFFICER BRANCH(420) for the Applicant(s) No. 1,2

MS TRUSHA PATEL SR. ADVOCATE with MS E.SHAILAJA(2671) for the
Applicant(s) No. 1,2

for the Opponent(s) No. 3

MR PRAKASH JANI SR. ADVOCATE with G H VIRK(7392) for the Opponent(s) No.
2

MR KAMAL TRIVEDI LD. ADVOCATE GENERAL with MR VINAY BAIRAGARA
ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No. 1

NOTICE NOT RECD BACK for the Opponent(s) No. 5

NOTICE UNSERVED for the Opponent(s) No. 4

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 09/08/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

In compliance of the order dated 12.07.2024 passed by this Court, the affidavit of the Under Secretary, Urban Development and Urban Housing Department, State of Gujarat has been placed before us to submit that the State Government has launched a toll-free helpline number being 1093, specifically dedicated for coastal areas,

enabling the public at large to pass on important messages to the Marine Police Officers, who are entrusted with the job of regular patrolling for securing and safeguarding the coastal areas within the State of Gujarat. As per the information provided by the Home Department, the entire coastal line of the State is safeguarded by Gujarat Marine Police Stations. The Beach of Daman, however, falls outside the jurisdiction of the State of Gujarat.

2. Noticing the above, we express our concern for some arrangements to be made for providing life-guard facilities in the coastal areas which are accessible to the public at large, namely the beaches etc..

3. The learned Advocate General appearing for the State has assured to come back with some arrangements, if not already in place.

4. The second issue is with regard to the monitoring of the coastal areas in view of the upcoming Ganesh festival. The submission is that the instructions have been issued to all the

concerned departments to take appropriate precautionary steps to ensure that artificial ponds at various dedicated places are to be used to immerse the idol; the identified places for immersing will be equipped with electricity, emergency services, ambulance facility and rescue equipments like life jackets etc.. Once of such instructions are issued by the AMC dated 22.08.2022 has been appended with the said affidavit. In this regard, suffice it to say that the administrative authorities throughout the State shall ensure that Ganesh idol immersion be held in the dedicated areas/artificial ponds and not in any of the natural water bodies in the State.

5. As regards the draft rules framed by the concerned departments of the State Government regulating boating activities within the State and the interim guidelines dated 6.4.2024 giving directions to all the urban local bodies in relation to the steps being undertaken by them with respect to life safety at the water body falling within their respective jurisdiction, we direct that in the rules/guidelines framed by the State Government, incorporation be made about the 'fair weather conditions' to operate such activities. In our considered opinion, the boating activities for amusement

shall not be permitted in rainy season, when the course and nature of water bodies is totally unpredictable. A time period considering the local weather conditions shall be provided in the guidelines/rules in advance so as to prohibit the boating activities for amusement during the rainy season of the year.

6. As regards the observations made in paragraph No. '29' of the order dated 3.7.2024, it is submitted by the learned Advocate General that a show cause notices have been issued to the two Municipal Commissioners in view of the fact finding inquiry report of the Committee constituted vide the government resolution dated 08.05.2024. An assurance has been given that the proceedings would be completed in a time-bound manner.

7. Noticing the above, we place the matter on **30.08.2024** to enable the learned Advocate General appearing for the State to bring the progress in notifying the rules for management of the boating activities in the water bodies across the State and the life safety measures to reduce the chances of boat capsizing or drowning.

8. The service report indicates that the notice issued to the contractor, namely private respondent no. 4, 'M/s. Kotia Projects' dispatched on 25.07.2024 pursuant to the order dated 12.07.2024 has returned unserved, with the remarks "house is sold out to another person and not found" by the postal department.

9. In view of the above, fresh Notice be sent through the Collector, Vadodara, who shall take assistance of the concerned Police Station to ensure service of notice upon respondent no. 4.

10. The issue raised by Mr. Utkarsh Dave learned advocate appearing for the victims, will be considered on the next date fixed.

11. Mr. Siddharth Dave, learned advocate has put in appearance on behalf of respondent no. 5. He prays for and is granted time to file the response by the next date.

Put up on **30.08.2024**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

C.M. JOSHI