

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:

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

MS E.SHAILAJA(2671) for the Applicant(s) No. 1,2

MR. PRAKASH JANI, SENIOR COUNSEL WITH MR. G H
VIRK(7392) for the Opponent(s) No. 2

MR. KAMAL TRIVEDI, LD. ADVOCATE GENERAL WITH MR.
VINAY BAIRAGRA, ASST.GOVERNMENT PLEADER for the
Opponent(s) No. 1

MR SIDDHARTH H DAVE(5306) for the Opponent(s) No. 5

MR UTKARSH J DAVE(10620) for the Opponent(s) No. 3

NOTICE SERVED 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 : 11/10/2024

ORAL ORDER

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

[1] The report with regard to service of notice upon the newly impleaded respondent namely M/s Kotia Projects as respondent No.4 shows that the notice was served on 11.09.2024 upon Mr. Binit Kotia, the Director of M/s Kotia Projects through the Office of the Collector

in compliance of the order dated 09.08.2024. When the matter was called out today, no one has put an appearance.

[2] The impleadment of respondent No.4 is on the instance of Mr. Utkarsh Dave, learned advocate appearing for the defendants of the deceased (victims), who are entitled for compensation from the Director, who has not shelled-out a single penny till date.

[3] As today, neither the counsel for the victims nor any one has appeared on behalf of respondent No.4 namely M/s Kotia Projects, we post the matter on 18.10.2024 making it clear that if, on the next date fixed, no one appears on behalf of the respondent No.4, the Court will proceed to decide the quantum of compensation to be paid to the victims by the Director, in the absence of representation of the Director in the Court inspite of service of notice.

[4] As regards the question for notifying the rules for management of boating activities in the water bodies across the State, Mr Kamal Trivedi, the learned Advocate General appearing for the State Respondent would submit that the rules have been finalized and will be notified expeditiously, preferably in a fortnight.

[5] Lastly, with respect to the departmental proceedings initiated against the erring officials, it was pointed out that one of the officials has approached the

Apex Court in Special Leave Petition (Civil) Diary No.31631 of 2024 challenging the judgment and order dated 03.07.2024 passed in this petition. The said SLP has been disposed of with the clarification that the rights and remedies of the officials in the departmental inquiry are kept open. The inquiry, hence, has to proceed.

[6] It is intimated by the learned Advocate General that notice has been issued to both the officials in the first week of October 2024, after the order of the Apex Court was intimated in the department and time has been granted to submit their reply by the end of this month. It is submitted that the inquiry will proceed after consideration of the reply of the officials concerned.

[7] Taking note of the above, we post the matter on **18.10.2024.**

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER