

**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, SR. ADVOCATE WITH G H VIRK(7392) for the
Opponent(s) No. 2

MR. KAMAL TRIVEDI, ADVOCATE GENERAL WITH Mr. VINAY BAIRAGRA
for the Opponent(s) No. 1

MR P B KHAMBHOLJA(5730) for the Opponent(s) No. 4

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

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

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

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 07/02/2025

ORAL ORDER

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

1. In compliance of the order dated 29.11.2024 passed by this Court, the affidavit of the Sub-Divisional Magistrate and Deputy Collector, Vadodara dated 7.2.2025 has been brought on record, to bring the computation order dated 6.2.2025 whereby computation for compensation of the deceased and injured persons, both children and teachers, has been computed by applying the principles of computation of compensation in the case of death and injury as per the Motor Vehicles Act, 1988.

2. It is categorically stated in the affidavit that notices were issued to the families of the victim as well as the Contractor namely M/s. Kotia Projects and after providing due opportunity of hearing on various occasions, after consideration of all the documents and evidences produced by the authority, while keeping in mind the provisions of the Motor Vehicles Act, 1988, as well as the principle laid down by the Apex Court in the case of *Sarla Varma v. Delhi Transport Corporation Ltd.*, reported in (2009) 6 SCC 121, read with the case of *National Insurance Company Ltd. v. Pranay Sethi*, reported in (2017) 16 SCC 680, computation of the compensation has been made with respect to 14 deceased (12 children and 2 teachers) as also with respect of two injured persons.

3. A copy of this affidavit filed in the Court today has been served upon Mr. P.B. Khambholja, learned advocate appearing for the respondent No.4 namely the Contractor M/s. Kotia Projects impleaded herein.

4. As prayed by Mr. Khambholja, learned advocate for the respondent No.4, the matter is posted on 17.2.2025 @ 12.30 hrs to enable him to complete his instructions and bring any response, if advised.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAJ GEORGE