

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 6 of 2023**

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AMIT MANIBHAI PANCHAL**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR AMIT M PANCHAL, ADVOCATE AS PARTY IN PERSON(5000)****WITH ANGESH A PANCHAL for the Applicant(s) No. 1****MS DEVANGI SOLANKI ADVOCATE AS AMICUS CURIAE****for the Opponent(s) No. 2****MR KAMAL TRIVEDI, LD. ADVOCATE GENERAL WITH MR VINAY****BAIRAGA ASST.GOVERNMENT PLEADER for the Opponent(s) No.****1,3,4****MR HS MUNSHAW(495) for the Opponent(s) No. 5**

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE PRANAV TRIVEDI****Date : 10/07/2024****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE****MRS. JUSTICE SUNITA AGARWAL)**

[1] The affidavit of the Collector, Junagadh, the Chair-Person of the Monitoring Committee answers two queries of the Court, the first one with respect to the disposal of plastic waste collected from and around Girnar Eco-Sensitive Zone and

the villages within its jurisdiction pursuant to various orders passed by this Court in the instant Public Interest Litigation. The second aspect is about the ban on the type of plastic articles in the said zone.

[2] As regard the disposal of the plastic collected, it is stated that the Monitoring Committee in its meeting held on 15.05.2024, requested Junagadh Municipal Corporation to give the details indicating the manner in which the plastic waste collected from and around Girnar Eco-Sensitive Zone and the villages within its jurisdiction is ultimately being disposed of. There is a reference of the letter dated 19.06.2024 of the Corporation informing the Committee that the entire plastic waste collected from the Eco-Sensitive Zone along with other waste collected from the entire city (Junagadh) is transferred and unloaded firstly at Hajiyanani Baug Transit Point and from that point, a duly authorized company i.e. M/S Zero Waste Solution, through its Material Recovery Facilities Centres, segregate plastic, cardboards, packaging materials and papers etc. The segregated plastic waste such as plastic bag from the aforesaid material recovery facilities center is transferred to one M/s Shri Hari Plastic, GIDC-1, Junagadh. Whereas, plastic waste such as plastic bottles is transferred to one M/s. Sagar Scrap, GIDC – 1, Junagadh for further recycling as per the

Plastic Waste Management Rules, 2016.

[3] As regards the second question, it is stated that in its meeting held on 23.02.2024, the Monitoring Committee had resolved to completely ban on entry and usage of plastic bags and other plastic materials in the entire Eco Sensitive Zone and the villages within its jurisdiction at all entry points leading to Girnar Sanctuary. This includes plastic bags, plastic water bottles, waffer packets, biscuit packets, pan masala packets etc. It is further stated that frisking, monitoring and checking the pilgrims is being undertaken 24 by 7 continuously on daily basis.

[4] The recent photographs showing the frisking and checking by Mobile Anti-Plastic Squad have been appended with the affidavit. The photographs showing cleaning of three stairs leading to Ambaji Temple, Dattareya Temple and Datar Temple have also been appended. It is stated that approximately 50 labourers are engaged on daily basis to clean the entire area and the arrangement is in operation as on date. For penalizing the offenders, for violation of the provisions of the Wildlife (Protection) Act, 1972, the Forest Department has lodged 11 FIRs, penalty of Rs.21,800/- came to be collected from the said offenders. 35 notices have been issued by Junagadh Municipal Corporation, Junagadh Taluka Panchayat

and Bhesan Taluka Panchayat and 128 individuals have been booked, and the penalty amounting to Rs.59,900/- came to be collected by the concerned department.

[5] Taking note of the assertion that huge penalty amount is being collected from the offenders for violation of the Wildlife (Protection) Act, 1972, we provide that the Monitoring Committee shall workout modalities for creation of a corpus out of the penalty amount recovered by different corporations / bodies such as Panchayat, to utilize the said money for improvement of the area in and around the temples. Necessary formalities in this regard be completed strictly in accordance with law.

[6] The steps taken to spread awareness amongst the locals by the Monitoring Committee shall continue. It shall hold periodic review meetings for reviewing the steps taken by it to make the Girnar Eco-Sensitive Zone and the villages within its jurisdiction, plastic free zone. The steps taken by the Monitoring Committee from time to time shall be brought on record along with the affidavit of the Collector, Junagadh as and when the matter is next listed.

[7] In the meantime, the Municipal Commissioner, Junagadh Municipal Corporation shall file his personal affidavit

to bring on record the entire material showing the mode and manner in which the plastic waste collected from the Eco-Sensitive Zone and the city is being recycled. The contracts etc. entered into by the Corporation in this regard shall also be brought on record.

[8] The learned Advocate General would submit that the Zonal Master Plan, prepared pursuant to the Notification dated 31.05.2012 for the Girnar Eco-Sensitive Zone is under consideration before the State Government and active efforts are being undertaken to finalize the same.

[9] On the next date fixed, the progress made in finalization / approval of the Zonal Master Plan by the State Government be intimated.

Let the matter be posted on **20.08.2024**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER