

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 PANCHAL, PARTY IN PERSON with MR ANGESH A PANCHAL (5000) for the Applicant(s) No. 1
 MS DEVANGI SOLANKI, AMICUS CURIAE
 MR KAMAL B TRIVEDI, ADVOCATE GENERAL with MR VINAY BAIRAGRA, AGP for the Opponent(s) No. 1,3,4
 MR MITESH AMIN, SR.ADV. with MR HS MUNSHAW(495) for the Opponent(s) No. 5
 SIDDHANT R SHAH(8722) for the Opponent(s) No. 6
 MS MANISHA LAVKUMAR SHAH, SR. ADV. with SIDDHARTH S RAMI(8342) for the Opponent(s) No. 8,9

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL
 and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 10/01/2025

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

1. Certain photographs have been placed before the learned Amicus Curiae about the plastic waste lying at various places in Bet Dwarka, Gujarat to assert that there is complete violation to the directions issued by this Court. Neither the Okha Nagarpalika nor the contractor engaged by it are serious and sincere in the matter of disposal of plastic waste.
2. To this, the answer is sought to be given by the learned counsel for Okha Nagarpalika by bringing the photographs of the site which were taken today at

around 11:27 a.m. These photographs show that the plastic waste lying therein has been removed. However, this fact that the plastic waste are still lying in the open area that too near the water body, which can be seen from the photographs itself, shows the slackness on the part of the Okha Nagarpalika and the contractor engaged by it in the matter of collection and disposal of plastic waste. From the affidavit of Gujarat Pollution Control Board (GPCB), where the site of Okha Municipality was visited, it may be noted that on the date of site visit i.e. 23.12.2024, as per the details recorded by the GPCB, the plastic waste collected, through a door to door system is being stored temporarily at open dumping site and the construction of material recovery facility has not been completed so far. The report states that though the construction has been completed but plastering, painting and fabrication works are pending. Moreover, operational issues are also there, inasmuch as, the machinery required for waste segregation is still not procured.

3. From the above, it is more than evident that Okha Nagarpalika is not vigilant about its duties in ensuring that the place known as 'Bet Dwarka', which is a sacred place, is clear of all wastes, more so plastic waste, inasmuch as the plastic lying in any area in the Bet Dwarka would ultimately go into the sea, which would further damage the marine environment.
4. Taking note of the above, the direction is issued to the

Chief Officer, Okha Nagarpalika shall file his personal affidavit to bring on record as to what steps are being taken by him for ensuring expeditious construction of material recovery facility. Further, he is required to ensure that the contractor engaged by the Nagarpalika is doing his job with due diligence. The plastic and other wastes lying in open area near the water body though have been removed, but there may be other areas facing such situations. The Chief Officer, Okha Nagarpalika shall have to identify all such areas to ensure that the directions issued by this Court and the norms for disposal of plastic waste as per the Plastic Waste Management Rules, 2016, be adhered to.

5. In the affidavit of the GPCB, it is pointed out that during inspection of various Municipal Corporations, it was found that Bhavnagar Municipal Corporation has two material facilities but both the material facilities were non-operational at the time of the visit. The machineries were found idle and no waste segregation activity was observed, a show cause notice dated 04.01.2024 has, accordingly, been issued to the Bhavnagar Municipal Corporation to explain. Even in district Gandhinagar, out of two, one material recovery facility at Sector-30 MRF (dumping site) was not operational and with regard to other facility, though two are operational, but they were only segregating and storing the waste material. There was no processing and recovery for the same. The data of the collection of plastic waste and kept in the facility

has also not been updated.

6. Taking note of the above, we require the GPCB to carry out inspection process and wherever fault is found, necessary action shall be undertaken against the erring person/authority.
7. We, thus, direct the GPCB to carry out inspection of the remaining Corporations and prepare a data of material facility of each of the Corporations and its functionality. Any defect shall be pointed out to the Corporation and be reported to this Court. Complete data must be provided with regard to the material facilities of all Corporations, which are fulfilling the norms; or operating completely against the norms; or whether there are some curable which can be taken care of by the GPCB after inspection. Affidavit be filed on the next date fixed.
8. Let the matter be posted on 31.01.2025.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR