

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

=====

AMIT MANIBHAI PANCHAL

Versus

STATE OF GUJARAT

=====

Appearance:
MR. AMIT PANCHAL, PARTY IN PERSON(5000) for the Applicant(s) No. 1
MR. UTKARSH SHARMA, ASSISTANT GOVERNMENT PLEADER for the
Opponent(s) No. 1,2,3,4
MR HS MUNSHAW(495) for the Opponent(s) No. 5

=====

CORAM:**HONOURABLE THE ACTING CHIEF JUSTICE MR.
JUSTICE A.J.DESAI**
and
HONOURABLE MR. JUSTICE BIREN VAISHNAV

Date : 28/03/2023**ORAL ORDER****(PER : HONOURABLE THE ACTING CHIEF JUSTICE MR. JUSTICE
A.J.DESAI)**

1 The present writ in the nature of Pubic Interest Litigation is filed for issuance of various directions to the respondent authorities to take such steps which are necessary to maintain for implementation of the provisions of Articles 21. 48-A, 51-A(g) of the Constitution of India and provisions of Sec.27, 28, 29, 30 and 32 of The Wildlife (Protection) Act, 1972 for the well known religious campus located on the hills of Girnar, namely,

Ambika temple and Dattatreya temple etc., since the same has been used by the pilgrims in different ways i.e. either by rope-way or by climbing several steps.

2 It is the case of the petitioner that the said temples are located in the hills which are known as Girnar forest and declared as Wildlife Sanctuary in the year 2008. As per the case of the petitioner, there are 56 lions inside this Girnar Sanctuary which is also home of vultures.

2.1 The grievance of the petitioner is that thousands of persons are daily visiting these temples. The hills are not properly maintained by the respondent since used plastic wastage have been thrown by the visitors and are not regularly cleaned.

2.2 The matter was listed for hearing on 02.03.2023. By an oral order dated 02.03.2023, we directed the District Collector, Junagadh, Chief Conservator of Forests, Junagadh Circle and the Commissioner, Junagadh

Municipal Corporation to submit their joint report in form of affidavit about the proposed steps which are required to be taken in the present case so as to maintain clean environment and to see that flora and fauna in the area of Girnar Hills is protected.

2.3 In response to the notice issued by this Court, an affidavit has been filed by the Joint Deputy Collector and Sub Divisional Magistrate, Junagadh, Dy. Conservator of Forests, Junagadh and Dy. Municipal Commissioner, Junagadh Municipal Corporation along with the proposed action report.

2.4 An affidavit-in-rejoinder has been filed by the petitioner.

3 Mr.Amit Panchal, learned advocate, who is appearing in person, has taken us through the affidavit filed by the State Authorities and rejoinder filed on his behalf. He would submit that by and large, the petitioner

is satisfied by the proposed action report of the authority. However, by taking us through several other provisions and a Government Resolution dated 22.05.2019 issued by the Forest & Environment Department, State of Gujarat, he would submit that the State Authorities have also issued instruction for implementation of the provisions of law namely the Wildlife (Protection) Act, 1972 and the aforesaid resolution which has imposed a complete ban on entry into the Wildlife National Park and Sanctuaries with plastic material like bottles, carry bags, anything with plastic packing as well as throwing plastic material inside the Wildlife National Park and Sanctuaries.

4 On the other hand, Mr.Utkarsh Sharma, learned Assistant Government Pleader, would submit that the team of the officers had visited the campus located on the hills of Girnar and a report was prepared. He has also taken us through the relevant paragraphs Nos. 8 to 12 of the affidavit and would submit that the authorities shall report back about the implementation and the suggested

action in its true spirit after some time.

5 Having heard learned advocates, at present, we pass the following order:

The Authority shall see that the proposed action referred to in paragraphs 8 to 12 or any other action which is referred to in the affidavit dated 23.03.2023 signed by the three officers of the government, be implemented in its true spirit.

The Authority shall also implement the provisions of Wildlife Protection Act, 1972, as well as shall see that the Government Resolution dated 22.05.2019 issued by the Forest & Environment Department is implemented in its true spirit.

We are also of the considered view that there are many fundamental duties of citizens of this country as provided under Articles 48-A and 51-A, including to protect the monuments and places and objects of national importance under Clause (g) of Article 51-A of Constitution of India. It is also one of the fundamental

duties of the citizen to protect natural environment including forests, lakes, rivers and Wildlife and to have compassion for living creatures. Therefore, we also appeal to all the citizens who are visiting such places, including those religious places located on the hills or surrounding the hills or any such areas of this country to co-operate with the government authorities to make the environment clean and to protect our heritage buildings.

Let the matter be listed for further hearing on 03.07.2023. Report to be submitted on, or before, 01.07.2023. Before the next date of hearing, progress report shall be filed. Copy of the order shall be supplied to the learned AGP for further action.

(A.J.DESAI, ACJ)

(BIREN VAISHNAV, J)

BIMAL