

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

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AMIT MANIBHAI PANCHAL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

PARTY IN PERSON(5000) for the Applicant(s) No. 1
MS DEVANGI SOLANKI AMICUS CURIAE for the Opponent(s) No. 2
MR KAMAL TRIVEDI, ADVOCATE GENERAL, WITH MR VINAY BAIRAGRA
AGP 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 ANIRUDDHA P. MAYEE
Date : 27/02/2024
ORAL ORDER

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

1. Perused the affidavit of the Principal Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar filed in compliance of the order dated 12.2.2024 passed by this Court. It is sought to be brought on record that the Monitoring Committee in its meeting held on 23.2.2024 has taken a decision to completely ban on the entry and usage of plastic bags and other plastic materials in Eco-Sensitive Zone comprising 27 villages as well as at all the entry points leading to Girnar Sanctuary. To ensure the implementation and execution of the said prohibition, six teams have been constituted, out of which three teams have already been stationed at entry points of Ambaji Temple, Dattatreya Temple and Datar Temple, which are undertaking the work of

frisking. Remaining three teams will be mobile and each team will be having three members including staff of Forest Department, Municipal Corporation/ Panchayat and Police Department. It is further stated that office of the Dy. Conservator of Forests, Junagadh vide order dated 23.2.2024 has constituted the aforesaid three mobile squads for ensuring the compliance of the decision taken in the meeting held on the said date. The Gujarat Pavitra Yatra Dham Vikas Board is also ensuring cleaning stairs on daily basis from Ambaji Temple to Dattatreya Temple. As an interim measure, the responsibility of cleaning of the different stairs has been undertaken by different bodies such as Forest Department, Gujarat Pavitra Yatra Dham Vikas Board, etc. For ensuring the availability of the basic water facilities to the pilgrims, certain steps as stated in para '9' of the affidavit have been taken.

2. Taking note of the averments made in the affidavit filed by the Principal Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar, we may record that as on date, there is no blueprint or plan to demonstrate before the Court as to how the Monitoring Committee would ensure strict implementation and execution of its decision taken on 23.2.2024. A perusal of the Minutes of the Meeting of the Monitoring Committee indicates that such a plan is to be prepared within a period of 15 days from today. The Monitoring Committee has also undertaken

to create awareness in the place surrounding the area to ensure implementation of ban on plastic bags and plastic material in the Eco-Sensitive Zone. We may note that the Zonal Master Plan which was required to be prepared as per the Notification dated 31.5.2012 of the Ministry of Environment and Forest, New Delhi has not been implemented till date. The Minutes of the Meeting of the Monitoring Committee dated 23.2.2024 records that a draft Zonal Master Plan for Girnar Eco-Sensitive Zone has been prepared and the same is still under consideration of the stake holders.

3. Taking note of the above, on the submissions of Mr. Kamal Trivedi, learned Advocate General that he will look into the matter to ensure that concrete steps are taken to implement ban on plastic bottles, plastic bags and other plastic material, in a strict compliance of the Notification dated 31.5.2012, we post the matter on 20.3.2024.

In the meantime, there shall be strict implementation of the decision taken by the Monitoring Committee and an affidavit to this effect shall be filed by the Collector on the next date fixed.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN