

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 7723 of 2026**

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DEVENBHAI SHANTUBHAI KUNKANA

Versus

STATE OF GUJARAT THROUGH PRINCIPAL SECRETARY & ORS.

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Appearance:

MR SHREYANG S VAYEDA(10917) for the Petitioner(s) No. 1

MR HARDIK SONI, ASST. GOVERNMENT PLEADER for the Respondent(s)
No. 1,2

KAASH K THAKKAR(7332) for the Respondent(s) No. 3

SIDDHARTH R KHESKANI(9483) for the Respondent(s) No. 4

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 11/06/2026

ORAL ORDER

1. Leave to add the Geology and Mining Department as party respondent is permitted. Amendment to be carried out right away.

2. Heard learned advocate Mr.Shreyang Vayeda appearing on behalf of the petitioner, learned Assistant Government Pleader Mr.Hardik Soni appearing on behalf of the respondent - State and learned advocate Mr.Siddharth Kheskani appearing on behalf of respondent no.4.

3. Considering the submissions made by the petitioner, it would prima facie appear that the respondent - State Authorities have abdicated the responsibilities inasmuch as the grievance being raised is that illegal sand mining has continued with impunity on a government waste land and approximately more than 37,000 metric tons (as submitted by

learned AGP) sand has been illegally mined from the area whereas, according to learned advocate for the petitioner, around 1,00,000 metric tons of sand has been illegally mined. Photographs which show huge craters on a land which otherwise appear to be a kind of forested land, are also annexed herewith. It also appears that the petitioner has been representing to the Collector, Principal Secretary Panchayat Department etc. for around two years, representations of June, 2024 received by the office of the Collector etc. being on record.

4. While this Court is inclined to take a strict view as regards the State Authorities having completely failed in doing their duties, yet, at the request of learned AGP Mr.Soni, issue **Notice returnable on 18.06.2026**. Learned AGP Mr.Soni waives service of notice on behalf of the respondents – State Authorities including the newly joined respondent and learned advocate Mr.Kheskani waives service of notice on behalf of the respondent no.4. Direct service to rest of the respondents is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)