

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3345 of 2026**

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DILIPBHAI CHHOTALAL MORZARIYA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR PRATIK JASANI WITH MR. DHAIRYA D. MAMTORA(18281) for the
Petitioner(s) No. 1,2,3,4,5,6,7

GOVERNMENT PLEADER for the Respondent(s) No. 1

MR AR THACKER(888) for the Respondent(s) No. 4

MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 2,3

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 29/04/2026

ORAL ORDER

1. By way of the present petition, the petitioners contend that Final Plot No. 88 situated in Town Planning Scheme No. 3A (GADA), Jamnagar, has been reserved for a public garden since the year 1994. Despite such reservation and earmarking for the aforesaid public purpose, no development has been undertaken thereon, and the respondent Corporation has, instead, put the said plot to use as a dump yard. In support of this assertion, the petitioners have placed on record photographs at Page Nos. 134 to 137.

2. Upon perusal of the said photographs,

the condition of the site appears to be extremely disturbing. A substantial parcel of land, which could otherwise have been utilized for the purpose of a public garden, has, by the actions of the Corporation, been rendered highly insalubrious. The Corporation, however, upon taking cognizance of the issue, has filed affidavits contending, inter alia, that the plot in question is not being used as a dump yard, but merely as a temporary site where solid waste collected through door-to-door collection is brought and thereafter transported further. It is further stated that the plot is cleaned on a regular basis, in support whereof a photograph at Page No. 153 has been produced. The Corporation has also contended that, in the absence of availability of any alternative parcel of land and due to non-allotment of a suitable site by the Government for a permanent dump yard, it has been constrained to use the said plot. Be that as it may, such issues may appropriately fall within the realm of administrative deliberations between the Corporation and the Government.

3. The fact, however, remains that a plot reserved for a public garden cannot be permitted to be utilized, even temporarily, as a dump yard, as such use results in an unhealthy and

unhygienic environment, adversely affecting the residents and persons carrying on occupation in the vicinity.

4. In view of the aforesaid, there shall be interim relief by way of a direction to the respondent Corporation not to use Final Plot No. 88 as a dump yard, even on a temporary basis.

5. The Commissioner of the Corporation is directed to file an affidavit on the next date of hearing, clarifying the position with regard to the availability of alternative land and the steps undertaken administratively with the Government for allotment of a permanent site for a dump yard.

List this matter on 15th June, 2026.

(NIRAL R. MEHTA, J)

ANUP