

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 225 of 2016****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2023****In R/WRIT PETITION (PIL) NO. 225 of 2016**

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MANAV GARIMA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR PANKAJ P ZAMPADIA(13484) for the Applicant(s) No. 1

MR ROBIN PRASAD for MR SUBRAMANIAM IYER(2104) for the Applicant(s)
No. 1

MR G H VIRK(7392) for the Opponent(s) No. 7

MR UTKARSH SHARMA AGP for the Opponent(s) No. 1,4

MR SIMRANJITSINGH H VIRK(11607) for the Opponent(s) No. 7

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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 05/04/2024

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

1. Pursuant to the order dated 30.01.2024 passed by us, an affidavit dated 22.02.2024 of the Deputy Secretary, Urban Development and Urban Housing Department annexing the factual report of the inspection conducted about the death incident occurred on 10.11.2023 in sewage tank at Central Salt and Marine Chemicals Research Institute (CSMCRI), Bhavnagar, Gujarat, has been brought on record. A perusal of the assertions made in the affidavit about the observation and recommendation of the Inspection Committee indicates that the lapses on the part of the Bhavnagar Municipal Corporation and the Institute, i. e. CSMCRI,

Bhavnagar, Gujarat, are evident. No action taken report on the factual inquiry is on record. We may clarify that when we asked the Principal Secretary to make an independent inquiry on the report submitted by the Commissioner, Municipal Corporation, Bhavnagar, we also directed him to submit his report imposing the liability on the erring officers and the action proposed against them while posting the matter on 22.02.2024. Though, in the affidavit, the inspection report has been brought on record, but till today, the action taken report has not been filed. We, therefore, require the Principal Secretary, Urban Development and Urban Housing Department to file his personal affidavit to bring on record the action taken report on the factual inquiry report, taking note of the fact that the Committee has suggested the departmental inquiry against the Executive Engineer of Bhavnagar Municipal Corporation and lodging of the F.I.R. against the erring officers.

2. On the request made by the learned AGP, the matter is posted on 19.04.2024, making it clear that no further time would be granted to comply with the direction issued in the month of January, 2024.

3. As to the affidavit of the Chief Officer, Anand Nagarpalika about the incident occurred on 15.04.2001 and denial of compensation to the dependents of the deceased, the learned counsel for the petitioner may file his response.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

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