

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****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2025****In R/WRIT PETITION (PIL) NO. 225 of 2016****With****CIVIL APPLICATION (DIRECTION) NO. 2 of 2025****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 SUBRAMANIAM IYER(2104) for the Applicant(s) No. 1

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

MR KAMAL B. TRIVEDI, ADVOCATE GENERAL assisted by MR.
VINAY B. BAIRAGRA, AGP for the Opponent(s) No. 1,4

HL PATEL ADVOCATES(2034) for the Opponent(s) No. 8

MR ABHIJIT RATHOD(12976) for the Opponent(s) No. 9

MR MEHUL H RATHOD(701) for the Opponent(s) No. 9

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 D.N. RAY**Date : 01/09/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. Perused the affidavit dated 30.08.2025 of the Commissioner of Municipalities Administration, Gujarat wherein the minutes of meeting of the meeting dated 22.08.2025 conducted with the officers of the Regional

Commissioner of Municipalities of six zones and the Chief Officers of Nagarpalikas has been brought on record. The said meeting was convened to seek details in relation to the compliance of the Circular dated 03.04.2025 of the Urban Development and Urban Housing Department, Gujarat. It is stated in the affidavit that in the meeting, strict compliance of the Circular dated 03.04.2025 was emphasised.

2. It is further submitted that as per the information transpired in the said meeting, based on the need assessment report received from Swachh Bharat Mission, the Gujarat Urban Development Company ('GUDA' for short) has started the supply, installation, testing and commissioning of 16 jetting-cum-suction machines and 24 desilting machines amongst 16 urban local bodies. The tender process is still going on for procurement of 209 machines at various stages, which include jetting-cum-suction machines, desilting and jetting machines, to be provided to 100 urban local bodies across the State. As per the communication dated 29.08.2025 sent by GUDA, the process to award work orders would be completed by the end of September 2025 and the delivery of the machines is planned to be completed by the end of March 2026.

3. Further, from the data provided by the Regional Commissioners of Municipalities of 6 respective zones, viz. Ahmedabad, Rajkot Bhavnagar, Gandhinagar, Surat and Vadodara, it transpired that in most of the municipalities, machines being possessed are old, but are being utilised for municipal operations presently. The municipalities are in the

process of procuring new jetting machines and hydraulic grab buckets and, in the meantime, in case of emergent need, the said machines are being borrowed from the neighbourhood municipalities on call basis on the model Method of Work Planning (MOWP). A perusal of the chart of the details of jetting-cum-suction machine deployed in each of the six zones indicates that total 17 machines are available as on date, which as per the own submission of the Commissioner of Municipalities, are old.

4. In its affidavit, the Commissioner of Municipalities has further stated that as a part of preventive measures for operation and maintenance of the underground draining network in the municipalities of the State, a work titled Sustainable Urban Sewerage Management has been launched, the primary objective of which is to transform the mechanism from Man-hole to Machine-hole. This system has been started by Gujarat Urban Development Mission on Public Private Partnership mode ('PPP mode') for cleaning up underground network having 300 mm diameter and more in all municipalities of the State. These machines are deployed and MOWP model is decided as the need arises.

5. Some clarity is required on the said aspect of cleaning up of the underground network on PPP mode in the further affidavit to be filed by the Commissioner of Municipalities Administration, Gujarat. The emphasis by the Court is to strengthen the local municipal bodies in the entire State so that the transformation of the mechanism for cleaning up underground network of drains/sewerage from Man-hole to

Machine-hole is achieved and there would be a deterrent for infraction from this objective by indulging in manual scavenging not only to the contractor but by fixing accountability upon the officers responsible in the affairs of the Nagarplikas.

6. Let a fresh affidavit be filed by the Commissioner of Municipalities Administration, Gujarat to bring on record the compliance of the directions issued in the meeting held on 22.08.2025, to make the local municipal bodies in compliant of the Circular dated 03.04.2025 of the Department. We also direct the Principal Secretary, Urban Housing and Urban Development Department to keep a stock of the situation so as to ensure that all local municipal bodies are equipped with the necessary machines/instruments to make them compliant.

7. Put up this matter on 16.10.2025 at 12.30 PM.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI