

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**=====

MANAV GARIMA**Versus****STATE OF GUJARAT & ORS.**

=====**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 TRIVEDI, LD. ADVOCATE GENERAL WITH MR.VINAY
BAIRAGRA, ASST.GOVERNMENT PLEADER for the Opponent(s)
No. 1,4****MR.MAHARSHI PATEL FOR 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**

=====**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL****and****HONOURABLE MR.JUSTICE D.N.RAY****Date : 19/12/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The affidavit dated 02.12.2025 of the Commissioner of Municipal Administration, Gandhinagar is not to the satisfaction of the Court. It may be noted that the agreement

dated 03.11.2022 came to be executed by Gujarat Urban Development Mission (GUDM), a nodal agency of the Urban Development and Urban Health Department for development of underground drainage network, GUDM has awarded contract for design - build - design - operate - maintain for a period of seven years for cleaning the underground drainage network of 156 Municipalities of the State of Gujarat, by the said agreement to a private agency. As per the statement made in the affidavit, so far, the private agency had deployed total 17 jetting - cum - suction machines only along with the manpower, for six regions of the Municipalities, depending on their respective requirements and demands.

2. It is stated that 17 machineries are deployed on the basis of the need and demands being raised by the concerned Municipalities with GUDM through their respective Regional Commissioner of the Municipality. The concerned officer of GUDM can have a real time update on the availability of the 17 machineries and the task undertaken by the said machineries. The private agency is also under obligation to post photograph of the work undertaken along with the log-sheet of the said machineries duly approved by the concerned officer of the respective Municipalities.

3. The previous affidavit of the Commissioner of Municipalities makes it evident that the arrangement made by GUDM with the agreement dated 03.11.2022 does not satisfy the current requirement. As per the statement made in the affidavit for the current and future requirements of all the Municipalities of the State, need based assessment has been

undertaken and the GUDC has completed the study, installation, testing and commissioning of 39 machineries (15 jetting - cum - suction machines and 24 desilting machineries).

4. Tender process for procurement of 209 machines (59 jetting - cum - suction machines; 133 desilting machines and 17 jetting machines) has been initiated. The work orders have already been issued by the GUDC prescribing the delivery period of 180 days from the date of issuance of the same. It is submitted that the delivery of 239 machines is expected to be completed by the end of March - April' 2026. It is then contended that the future requirement would be completely dependent upon various factors, including the actual and real demand after deploying the aforesaid 209 machineries amongst all the Municipalities.

5. Taking note of the averments made in the affidavit, it is required to be explained by the Commissioner of Municipalities Administration as to what would be the mode and method of operating 39 + 209 machines, delivery of which is to be completed by March - April' 2026.

6. It seems that there is a requirement to revisit the agreement dated 03.11.2022 which has resulted in deployment of only 17 jetting - cum - suction along with the manpower across six regions of the Municipalities, which has found to be insufficient for the needs, as per own assessment made by the Commissioner of Municipalities.

7. On the issue, as prayed by Mr.Kamal Trivedi, the learned Advocate General appearing for the State Respondents, the matter is posted on **23.01.2026** at **12:30 PM** to file the affidavit of the Commissioner of Municipalities Administration.

8. For the other issue raised by the learned counsel for the petitioner with regard to lodging of the first information report dated 09.09.2025 by the father of the deceased as noted in the order dated 28.11.2025, the statutory remedy lies with the complainant, and as such, no further inquiry is required to be made, inasmuch as, the deceased was engaged by a private person and the Municipal Corporation has nothing to do with the said matter.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER