

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12927 of 2025**

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SARFARAJ R. GORI

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR AFTABHUSEN ANSARI(5320) for the Petitioner(s) No. 1

MS MAITHILI MEHTA, AGP for the Respondent(s) No. 1,3,4

NANAVATI & CO.(7105) for the Respondent(s) No. 2

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

and

HONOURABLE MR. JUSTICE D.N. RAY**Date : 03/02/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. Today, Mr. Maulik G. Nanavati, learned advocate has put in appearance on behalf of the respondent No.2, viz., the Regional Officer, Gujarat Pollution Control Board (GPCB). The petitioner herein is raising an issue with regard to the dumping of chemical waste by the respondent No.6-industry, in two plots bearing plot Nos.25 and 27, Udhyog Nagar, Mouje-Kadi, Taluka-Kadi, District-Mehsana, which are between the District Court, Kadi, and Judges' Bungalow.

2. The contention in the petition is that the respondent No.6 is an industrial unit engaged in the trade of empty HDPE bags with residues of toxic chemicals from the ceramic industry. The toxic chemical bags are being dumped, stored and traded in the open plots, namely plot Nos.25 and 27, Udhyog Nagar by respondent No.6. These bags, previously used for raw

materials like calcite powder and dolomite in ceramic industries, spread chemical dust into the environment and thereby causing severe air, water and soil pollution. The unit functions in a residential area, duly declared under the Town Planning Scheme. The chemical dust emanating from these bags disperses into the air and settles on the adjoining roads. The residents and passersby are compelled to inhale the polluted air, which may lead to respiratory diseases and even terminal diseases like cancer. During rains, the powdery waste seeps into the adjoining land, contaminating groundwater and also affecting the adjoining ice factory's water source, which poses serious threat to public health.

3. The petitioner wrote repeated representations/written complaint before the respondent authorities. One of such complaint was sent on 25-05-2024 requesting for immediate sealing of the unit, verification of requisite permissions from GPCB and strict action against the violator so as to protect the citizens' right to clean and healthy environment, guaranteed under Article 21 of the Constitution of India. The copy of the representation is appended as Annexure-A at page-19 to the writ petition, which is addressed to the Regional Officer, GPCB.

4. It is further stated in the writ petition that pursuant to the said complaint, the officials of GPCB, Regional Office, Mehsana, carried out a site inspection on 06-06-2024, in the presence of the petitioner. It was observed that the unit was openly storing empty chemical bags on the roadside, without any shed, resulting in severe dusting with vehicular movement. The unit

also lacks basic housekeeping facilities and does not provide the workers with protective, safety equipment and was found carelessly throwing powder waste into the open environment. Photographs of such violations recorded during the course of inspection and a copy of the report is appended as Annexure-B, page 22 of the paper book.

5. The further contention is that a show cause notice dated 15-06-2024 has been issued from the Regional Office, GPCB, pointing out certain deficiencies mentioned therein, directing the unit to explain within seven days as to why action be not taken under the provisions Air (Prevention and Control of Pollution) Act, 1981.

6. The contention is that inspite of issuance of the show cause notice, the respondent no.6 continued to operate in complete disregard of environmental law and a further representation was made by the petitioner on 05-07-2024 pointing out the continuing violations and request for strict enforcement action.

7. The statement in paragraph 2.7 of the writ petition is that on an RTI application dated 14-06-2024 moved by the petitioner, the Public Information Officer, GPCB, vide communication dated 02-07-2024, had provided copies of the Site Inspection Report and the Show Cause Notice, which are appended with the writ petition. The matter has also been forwarded to the Chief District Health Officer, Mehsana.

8. In various paragraphs of the writ petition, the petitioner then would submit that the copy of the representations moved by the petitioner were also sent to the office of the Additional District Magistrate, Mehsana, Forest and Environment Department, Government of Gujarat, and GPCB. In spite of best efforts made by the petitioner, nothing has been done and even the Chief Officer, Kadi Municipality did not make any effort to ensure removal of bags from the roadside, which are continuous cause of heavy dusting, causing water and air pollution.

9. No effective remedial action has been taken and the hazardous pollution continues unabated, causing serious injury to public health, sanitation and environment and hence the petitioner is constrained to approach this Court.

10. Mr. Maulik G. Nanavati, learned advocate appearing for GPCB, is directed to file a personal affidavit of the Regional Officer, GPCB, to give para-wise reply to the contents of the writ petition and to bring on record the action taken by the GPCB pursuant to the show-cause notice dated 15-06-2024.

11. Further, the inspection team of the GPCB shall carry out a surprise inspection of the site in question and submit its report along with the action taken for violations found on the spot, if any, against respondent no.6, strictly in accordance with law.

12. The notice of the present petition be also served personally upon the Chief Officer, Kali Nagar Palika, who shall

file response to the contention of the petitioner that no action to stop the illegal activities of respondent no.6 has been taken at the ends of the Chief Officer, Kadi Nagar Palika.

13. The notice on behalf of respondent Nos.1 and 4 has already been served in the office of the learned Government Pleader, who shall also seek instructions in the matter.

14. The question to issue notice to respondent No.6 will be considered after receipt of the report of the GPCB.

15. Put up this matter on 24.02.2026. The petitioner is required to file affidavit of service as a proof of personal service of notice upon the Chief Officer, Kadi Nagar Palika, on the next date.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

R.S. MALEK