

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION NO. 979 of 2019

In

R/WRIT PETITION (PIL) NO. 170 of 2017

With

R/WRIT PETITION (PIL) NO. 139 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023

In

R/WRIT PETITION (PIL) NO. 139 of 2021

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MUSTAK HUSSAIN MEHNDI HUSSAIN KADRI

Versus

JAGADIP NARAYAN SINGH, IAS

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Appearance:

MR AMIT M PANCHAL(528) for the Applicant(s) No. 1

MS ML SHAH, GOVERNMENT PLEADER for the Opponent(s) No. 1

MR SATYAM Y CHHAYA(3242) for the Opponent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 25/07/2023

COMMON ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. Pursuant to the order dated 19.07.2023, the Gujarat State Legal Services Authority has filed its report containing the photographs of the roads as suggested by this Court. The same is ordered to be taken on record. A copy of the same is forwarded to the learned Government Pleader and learned advocate Mr.Satyam Chhaya.

2. The report indubitably reveals that there is blatant disregard to the directions issued by this Court in various orders including the directions issued in the judgment and order dated 11.05.2018 passed in Writ Petition (PIL) No.170 of 2017. The report reveals that there is illegal parking,

encroachment by eateries, restaurants and shopping complexes, Chaos is observed at cross roads, there is non-observance of traffic rules, particularly wrong wide driving, etc. The team has also found that at many places the vehicles were parked illegally and in haphazard manner causing disruption to movement of traffic and no mechanism was found to restrain the wrong side driving. The report further indicates that at many places street food stalls, tea-stalls, pan parlor have created encroachment at cross roads, as a result of which, of the roads, which can be used for traffic movement has been narrowed.

3. Today, when the matters are being heard, learned Government Pleader and learned advocate Mr.Chhaya have given an assurance on behalf of the respondent-State Authorities that the directions issued by this Court for regulating the traffic will be appropriately followed and there would be enforcement of the traffic rules and law by the authorities.

4. At this stage, learned advocate Mr.Panchal has invited the attention of this Court to a mechanism, which has been adopted and affixed on roads and the same is being followed in Mumbai and Pune, and has urged that if such mechanism is fixed at the spots, where there is menace of wrong side driving, it would control such menace considerably.

5. Both the learned Government Pleader and learned advocate Mr.Chhaya request for some time in order to see that a necessary drive is undertaken by both the Ahmedabad Municipal Corporation (AMC) as well as the Traffic Department in order to control the menace of illegal parking, wrong lane driving and also removal of illegal parking.

6. It is noticed by us that this Court way back in the case of Sharda Sahkari Gruh Mandali Limited and others. vs. Ahmedabad Municipal Corporation and others, 2006 (2) GLR 1765 has expressed its concern with regard to the issue raised herein subsequently in the aforesaid Writ Petition (PIL) vide judgment and order dated 11.05.2018 passed in Writ Petition (PIL) No.170 of 2017, the Division Bench of this Court has very comprehensively issued various directions for controlling the cattle menace and traffic menace also and to ensure smooth movement of traffic at all the important junctions of the city. Even after passage of more than 5 years, the report of the Gujarat State Legal Services Authority reveals that such directions have remained on paper. The authorities of both the AMC as well as the Traffic Department have failed to strictly implement/enforce the law and to apprehend the perpetrators, who violate the traffic laws with impunity. It was expected from the highest authorities i.e. both the AMC as well as the Traffic Department to instruct their personnel, who are employed and are deployed at their places, to enforce the traffic laws and to remove the encroachment immediately as and when it is noticed.

7. It appears that, the authorities have also not conducted any periodical survey akin to the survey done by the Gujarat State Legal Services Authority so that such menace could have been addressed in a periodical manner and it was requisite for the AMC as well as the Traffic Control to inculcate the habit in the constables or personnel, who are employed by them at lower level, to see that the laws are enforced with iron hand. Much water has flown and this Court has shown enough generosity to the officers.

8. In view of the submissions advanced by both the learned Government Pleader and learned advocate Mr.Chhaya, this Court did not frame any charges under the Contempt of Courts Act, 1971 against the officers and has refrained to do so only on the assurance given by them on their behalf that henceforth the rule of law concerning the traffic and parking will be strictly implemented by them and no leniency shall be shown to the perpetrators committing such violation of law. In order to test their bona fide, the matters are kept on 09.08.2023 on the top of the board.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(M. R. MENGDEY, J)

ABHISHEK/1