

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****WRIT PETITION (PIL) NO. 210 of 2014**

=====

PRAVINSINGH BHURABHA CHAUHAN....Applicant(s)

Versus

STATE OF GUJARAT &amp; 4....Opponent(s)

=====

Appearance:

MR NARENDRA L JAIN, ADVOCATE for the Applicant(s) No. 1

MS MAITHILI MEHTA AGP for the Opponent(s) No. 1 , 5

NOTICE NOT RECD BACK for the Opponent(s) No. 3 - 4

NOTICE SERVED for the Opponent(s) No. 2

=====

CORAM: **HONOURABLE THE CHIEF JUSTICE MR.  
BHASKAR BHATTACHARYA**  
and  
**HONOURABLE MR.JUSTICE J.B.PARDIWALA**

Date : 28/07/2014

**ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MR. BHASKAR  
BHATTACHARYA)**

Mr Joshi, the learned Senior Advocate appears with Mr Singhi for respondent No.2. So far respondent Nos.3 and 4 are concerned, although notices have been sent by Speed Post, the service returns have not yet come back. However, Mr Shakeel Qureshi, the learned advocate submits that if a copy of the application is served upon him, he can take instructions in the matter and and can appear on behalf of respondent Nos.3 and 4. The learned advocate for the petitioner is directed to served a copy of the application upon Mr Qureshi.

Pursuant to our earlier direction, the Collector, Kutch has today appeared before us and submitted a report supported by affidavit. According to the Collector, Kutch, there was miscommunication with the Office of the Government Pleader as a result, he could not file any report within the time granted.

It appears from the report submitted that the Forest Department has informed that the areas known as Bharadi Matai Dhuva and Vekariya Dhuva mentioned in the petition are not allotted to the User Agency and the possession of this area is with the Forest Department and the User Agency has not carried out any work in this area. It has been further stated that the Forest Department has further informed that as informed by the Director of Forest, ten days' time is required to compare the land declared as reserved forest, and the Dhuva, Mor Dhuva and Bet Dhuva said to have been in the land allotted to the User for non-forest purpose, from the map of land allotted to the User Agency and the Settlement Map of the Forest Department.

In view of such stance taken by the Collector, we direct him to file further report within 14 days after getting the result of comparison, indicated above.

The respondents are directed to file affidavit-in-opposition to

the application within fortnight from today. In the affidavit to be filed by the respondent Nos.3 and 4, the satellite maps of the area concerned should be annexed for the purpose of verification of the allegations made by the petitioner in the writ-application.

Let the matter appear after fortnight. Since the respondent No.2 has admitted that they are not doing any activity in the area so long appropriate permission has been given by the Central Government, we pass no interim order at this stage. At any rate, the Forest Department is directed to see that, until further orders, there is no dressing or altering of the sand dunes in the area concerned.

Let Principal Secretary, Forest Department, Government of Gujarat be made additional party and this order be communicated to the added respondent.

Further appearance of the Collector, Kutch is dispensed with.

**(BHASKAR BHATTACHARYA, CJ.)**

**(J.B.PARDIWALA, J.)**

zgs