

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 20 of 2019**

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VARSHABEN AMARSINH PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MR NM KAPADIA(394) for the Applicant(s) No. 1,2,3,4,5

MR CHINTAN DAVE, ASSISTANT GOVERNMENT PLEADER/PP(99) for the
Opponent(s) No. 1

MR HS MUNSHAW(495) for the Opponent(s) No. 4

NOTICE SERVED(4) for the Opponent(s) No. 2,3,5,6

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CORAM: **HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE**
and

HONOURABLE MR.JUSTICE BIREN VAISHNAV

Date : 06/05/2019

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)

1. Draft amendment is granted. Amendment to be carried out forthwith.
2. Heard learned advocate for petitioners and learned Assistant Government Pleader Mr. Chintan Dave for respondent-State of Gujarat.
3. On a perusal of record, it emerges that collective representation dated 10.12.2018 and other such representations prior to that date have been made about grievances of the nature and manner in which encroachments are made over the govt. gauchar/pasture land of Village-Kaj, Tal.Kodinar, Dist.Gir Somnath. The petitioners' grievance is also that timely action is not taken by the respondent authorities. The above representation takes support of govt. circular dated 30.12.1988 about maintenance of gauchar/pasture land and timely action to be taken. Revenue record annexed with the writ-petition

reveals about the allotment of pasture land for the purpose other than gauchar. Reliance is also placed on some decisions of this High Court as well as Supreme Court in support of requirement of protection of govt. gauchar/pasture land.

4. In view of such representations made by the petitioners, which are pending at the level of the respondent authorities, we direct the respondent authorities to verify the facts represented by the petitioners about encroachment or depletion of govt. gauchar/pasture land, if any, and to forthwith prevent and take timely action. District Collector as well as District Development Officer of District Panchayat, Gir Somnath, both together shall depute the concerned officer from the office of District Panchayat so as to undertake appropriate measure of the extent of encroachment, if any, and issue notice to such persons, parties or companies, and to take final action after hearing all concerned parties in accordance with law within 8 weeks from today. Alternatively, the respondent authorities shall also consider the request of villagers to provide deficit of pasture/grazing land to the extent of nature of encroachment.
5. Subject to the above directions, this writ-petition is disposed of.

(ANANT S. DAVE, ACJ)

(BIREN VAISHNAV, J)

A.M. PIRZADA