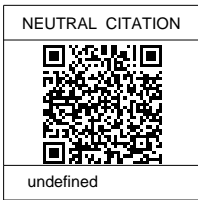


**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 10840 of 2024**=====  
**KANDHAL SARMANBHAI JADEJA****Versus****STATE OF GUJARAT & ORS.**  
=====**Appearance:****MR MK VAKHARIA(1483) for the Petitioner(s) No. 1****MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1****MR ASIT B JOSHI(2567) for the Respondent(s) No. 4****NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3**  
=====**CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT****Date : 05/02/2025****ORAL ORDER****1. This petition is filed with the following prayers: -**

“(a) Your Lordships may be pleased to admit and allow this petition.

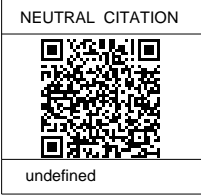
(b) Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ in the nature of mandamus or order or direction directing the respondent authorities to decide upon the representations made by the petitioner dated 15.04.2023 as well as representations mad by the petitioner’s



advocate dated 06.10.2023 and 17.05.2024 (Ann. A) within a time bound period as decided by this Hon'ble Court

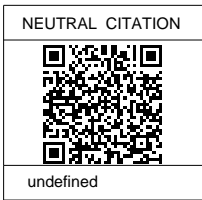
(c) Grant such other and further relief/s as may be deemed fit and proper in the interest of justice.”

2. Heard learned advocate Mr. Mehul Vakharia for the petitioner. Learned advocate for the petitioner submitted that the petitioner is a sitting member of the Legislative Assembly (MLA) elected from 84 Kutiyana - Ranavav constituency of District Porbandar. Upon having come to know about the discrepancy in relation to administration of the Nagarpalika for utilization of grant, given for public utility purposes by the State, the petitioner herein made a representation to respondent No. 1 - Chief Officer. Learned advocate for the petitioner submitted that the State Government under various schemes to develop Kutiyana Nagarpalika disburse certain grant. The grant given was for the purpose of establishment of 18 Anganwadis, making compound wall, platform along with God's Statue, Office Room and renovation of Crematorium along with construction of two public park/gardens etc. Though grant was given for specific purpose, it was found that the same is not utilized for the given purpose and therefore, the petitioner herein filed various RTI applications before the



Chief Officer, Kutiyana Nagarpalika seeking certain information about the work done in last 20 years in relation to his constituency for development of Anganwadis, Crematorium, Public Park etc. However, the details as called for were not provided. Further, the land which was allotted for development of garden is used as a garbage land. Further, Crematorium has not been developed for which the grant was given. The administration of Anganwadis is given to various private persons. In a nutshell, grant given by the state is not being used for the purpose for which it was given. Therefore, the petitioner made a representation to respondent No. 1.1 and 2 - Commissioner, Municipal Administration and Regional Commissioner respectively under the provisions of Section 262 of the Gujarat Municipalities Act, 1963. Since the same is not decided, present petition is filed. Therefore, appropriate directions may be issued to decide the representation, after calling for details from respondent No. 4 - Nagarpalika.

3. Learned Assistant Government Pleader Mr. Sahil Trivedi submitted that the scope of this petition is very limited since the petitioner has brought alleged discrepancies to the knowledge of respondent No. 1 - Commissioner of Municipalities. Now action in accordance with law will be taken and for that no directions are required.

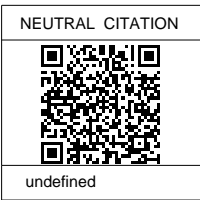


4. Learned advocate Mr. Asit Joshi appeared for respondent No. 4 - Nagarpalika and relied upon the affidavit filed.

5. Considered the submissions. From the representation dated 06.10.2023 Annexure-A (Page No.21) it is noticed that there are allegations about non-completion of work for which the grant was given and to be utilized by Nagarpalika. It appears that the Government has given grant for the development of Anganwadis, Crematorium, Garden etc. and other facilities in nature of public utility. Further, from the photographs on record at Annexure-I (Page No. 94 and 95) it appears that the land shown is like garbage land. Moreover, in the affidavit filed by respondent No. 4 - Nagarpalika, allegations made are not met with by providing any details except denial. The Nagarpalika in the affidavit ought to have provided details of grant utilized.

6. This Court is conscious about the prayer made and would not like to widen the scope of the present petition, however, noticing the simple denial made in the affidavit without any details, respondent No. 1 is directed to decide the representation of the petitioner.

7. If required, respondent No. 1 may call for the records



and details from respondent no.-4 Nagarpalika. This Court has not gone into the merits of the matter and it is open for the authority to decide the representation in accordance with law. Needless to say, that once the decision is taken the same shall be communicated to all concerned.

8. With the above direction, present petition is disposed of.

**(MAUNA M. BHATT,J)**

SHRIJIT PILLAI