

Modhera, District Mehsana. **...Petitioners**

VERSUS

(1) The State of Gujarat

Notice to be served through
Secretary, Revenue Department,
Nava Sachivalaya,
Gandhinagar.

(2) The Collector

Office of the Collector,
Mehsana, At Mehsana.

(3) Sujanpura Gram Panchayat

Notice to be served through
Sarpanch/ Talati cum Mantri,
Village Sujanpura, District Mehsana.

(4) The Principal Secretary,

Energy and Petrochemical Department,
Sachivalaya, Gandhinagar. **...Respondents**

TO,

**THE HON'BLE THE CHIEF JUSTICE AND
OTHER HON'BLE JUDGES OF THE
HIGH COURT OF GUJARAT,
AT AHMEDABAD.**

**The humble petition of the
petitioners above named:**

MOST RESPECTFULLY SHEWETH THAT:

1. The present petitioners under article 226 and / or 227 of the Constitution of India is being filed by way of Public Interest Litigation and the petitioners have no personal interest, the petitioners filed this petition

for the benefit of resident of Village Sujanpura and other co-villagers and surrounding villagers who are engaged in cattle rearing activities and doing agricultural work. The livelihood of the petitioners and other villagers and their family members are mainly depending upon the income generated from the agricultural and cattle rearing activities. The petition is being filed in the interest of residents of Village Sujanpura, District Mehsana.

2. The petitioners are nationals and citizens of India and resident of Village Sujanpura, District Mehsana, the petitioners have not filed any other public interest petition and any cost has not been awarded for/ or imposed against the petitioners and no any structure has been passed and no contempt proceedings are initiated against the petitioners.
3. The petitioners are filing the captioned petition purely in the public interest at his own cost and not at the instance of any other person or organization. The litigation cost of Rs.10000/- including advocate fees and other traveling expenses are borne by the petitioners themselves.
4. The brief facts of the case are as under:

- 4.1 The petitioners submit that, the land bearing Survey No. 499 and 500 of village Sujanpura, District Mehsana is earmarked/reserved and assigned for the purpose of Gauchar and the above land is used by the villagers for the grazing land since long time. A copy of the village Form No.8 and 7/12 are annexed herewith and marked as **Annexure A**.
- 4.2 The petitioners are agriculturists and doing animal husbandry and local residents of Village Sujanpura District Mehsana. The petitioners are working for the betterment of their village as well as other villages situated near Village Sujanpura and therefore, petitioners are filing present petition against the illegal allotment of the grazing land to the respondent no.4 by which the petitioners and other villagers deprived their basic source of income and livelihood.
- 4.3 The petitioners submit that, on 01-09-2020, Collector Mehsana passed an order for allotment of the grazing land from Survey No. 500 (Old Survey No. 9003) 07-02-81 Sq. Mtr. and Survey No. 499 (Old Survey No. 9002) 04-97-90 Sq. Mtr. total He.Are. 12.00.00 Sq. Mtr. are allotted for the purpose of supply of Solar Energy to Motera Surya Mandir and

allotted to Energy And Petrochemical Department Gandhinagar, respondent no.4 herein. A copy of the allotment order dated 01-09-2020 is annexed herewith and marked as **Annexure B**.

4.4 The petitioners submit that, the petitioners and other villagers came to know about the allotment of the grazing land, villagers made an application to respondent Panchayat by containing that in the village, 100% Bakshi Panch community are residing and they are doing agricultural and cattle rearing activities and earning their livelihood from them, there is more than 2000 cattle in the village and if the land is allotted then for grazing the cattle, it will create a great difficulty and further rainy water, natural course is also passing, which obstruct and which may create danger to the life of the villagers. A copy of the application dated 09-09-2020 is annexed herewith and marked as **Annexure C**.

4.5 The petitioners submit that, on 16-09-2020, Gram Panchayat passed a resolution by containing that before allotment of the above land, there was no any previous approval or consent are taken from the Gram Panchayat. A copy of the resolution dated 16-

09-2020 is annexed herewith and marked as **Annexure D.**

4.6 The petitioners submit that, on 19-09-2020, Sujanpura Gram Panchayat also passed a resolution to shift the Solar Power Plant to the other place. A copy of the resolution dated 19-09-2020 is annexed herewith and marked as **Annexure E.**

4.7 The petitioners submit that, on 16-09-2020, villagers of the Sujanpura made an application to the Mamlatdar, Bechraji against the allotment by stating that there is more than 2000 cattle and there is another aspect that rainy water is passing from the land which may create danger to life. A copy of the application dated 16-09-2020 is annexed herewith and marked as **Annexure F.**

4.8 The petitioners submit that, on 17-09-2020, villagers also made an application before Collector Mehsana to change the place of the Solar Plant to the other place. A copy of the application dated 17-09-2020 is annexed herewith and marked as **Annexure G.**

4.9 The petitioners submit that, the petitioner also place on record the population of the cattle as per the Panchayat record of the year 2020-21 wherein at

present total 1504 cattle in the village. A copy of the details of the cattle are annexed herewith and marked as **Annexure H**.

4.10 The petitioners submit that, the petitioner also place on record the details of the cattle of the village by name and cattle there is 1504 cattle in the village. A copy of the cattle survey report by Gauchar Bachav Samiti Sujanpura is annexed herewith and marked as **Annexure I**.

4.11 The petitioners submit that, there is no sufficient grazing land available in the village Sujanpura compared to cattle population and as per the Government resolution there is 40 Acre lands are required for 100 cattle, in the present case, there is no sufficient and adequate Gauchar land and therefore, impugned order of allotment is contrary to the Government Circular and policy.

4.12 The petitioners submit that, before passing the allotment order as the grazing land is belonging to the Gram Panchayat even Gram Panchayat is not consulted or taken any approval prior to allotment of the land.

- 4.13 The petitioners submit that, the allotment of the grazing land is contrary to the Government Policy and contrary to the judgment pronounced by the Hon'ble Apex Court and this Hon'ble Court.
- 4.14 The petitioners submit that, the allotment of the grazing land for the purpose of solar energy to respondent no.4 is contrary to the well settled provisions of law as even compared to 1504 cattle there is not adequate Gauchar and by allotting 12 Hectare more land from grazing land, it will create more imbalance to the grazing land.
- 4.15 The petitioners submit that, most of the villagers who are depending upon agricultural and cattle rearing activities as if there is not sufficient grazing land for grazing the cattle, then they need to purchase a cattle food from the open market, which is very costly and which affect the livelihood of the villagers.
5. The source of information of the fact pleaded in this petition is based on the revenue record of village form no.8-A, application made by the petitioners and other villagers and Gram Panchayat resolution.
6. The petitioner submits that, the petitioner made representation to Collector lastly on 17-09-2020but

till date petitioners have not received any reply or response from the respondent authority and application/s made by the petitioner is pending without any justifiable course.

7. To the best of the knowledge of the petitioner, no public interest litigation raising the same issue is pending before this Hon'ble Court and petitioners have not filed any other application raising the same issue before this Hon'ble Court or any other Court including the Hon'ble Supreme Court.
8. The petitioners have filed the present petition on the following grounds.

: GROUNDS :

- (A) The petitioners submit that, the petitioners are residents of Village-Sujanpura, District Mehsana and there is no adequate and sufficient grazing land in the village compared to the cattle population.
- (B) The petitioners submits that, before passing the impugned order, Sujanpura Gram Panchayat has not consulted or taken any approval from

the Gram Panchayat as the grazing land is belonging to Gram Panchayat.

(C) The petitioners submit that, in the village there is at present 1504 cattle and compared to the cattle population, there is no adequate grazing land and therefore, impugned order is required to be quashed and set aside.

(D) The petitioners submit that, there are another lands which already available with the respondent authority for allotment to the solar energy plant but, the respondent collector allotted the land from the grazing land that too without considering the government policy and circular.

(E) The petitioners submits that, there is approximately 1504 cattle in Village Sujanpura and neighboring villagers also grazing their cattle on the above land and on getting the cattle brings income of the poor villagers and allotment of the grazing land would result into loss of income of the villagers.

(F) The petitioners submit that, the petitioners have made an application but respondent

authority not take any step or effective steps and the same is pending.

(G) The petitioners submit that, it is a primary duty of the respondent authority to protect the Panchayat Land.

(H) The petitioners submits that, the petitioners and other villagers as well as the Gram Panchayat also passed a resolution against the impugned allotment, but, till date there is no any action has been taken and all the representations made by the petitioners and other villagers are pending and not replied yet.

9. The petitioners submit that, the petitioner is having strong prima facie case and having ample chance to succeed in the present petition. The balance of convenience is also in favour of the petitioners and if interim relief as prayed for is not granted, in that case the petitioners would suffer an irreparable loss which cannot be compensated in terms of money and therefore, the interim relief as prayed for is required to be granted in the interest of justice and equity.

10. The petitioners have not filed any other appeal/ application or petition on this subject matter either

before this Hon'ble Court or in any other court in India including the Hon'ble Supreme Court.

11. The petitioners have no any other alternative efficacious remedy but to approach before this Hon'ble Court by way of this public interest litigation.

12. The petitioner, therefore, prays that:

(A) Your Lordships may be pleased to admit and allow this petition;

(B) Your Lordships be pleased to issue writ of mandamus or any other appropriate writ in the nature of mandamus, order or direction to respondent authority to quash and set aside impugned order passed by Collector, Mehsana dated 01-09-2020 (Annexure B) in the interest of justice.

(C) Pending admission and till final disposal of this petition, your Lordships be pleased to stay the impugned order passed by Collector Mehsana dated 01-09-2020 (Annexure B) in the interest of justice.

(D) Your Lordships be pleased to direct the respondent Collector, Mehsana to decide the

applications of the petitioners dated 17-09-2020 made by the petitioners in accordance with law within some time schedule in the interest of justice.

(E) Your Lordships be pleased to grant such other and further relief as deemed fit and proper in the interest of justice.

AND FOR THIS ACT OF JUSTICE AND KINDNESS, THE PETITIONERS, AS IN DUTY BOUND SHALL FOREVER PRAY

Place : Ahmedabad

Vijay Nangesh

Date : /10/2020

Advocates for the petitioners

AFFIDAVIT

I,,
....., Aged about
years, Occupation: Agriculturist, Hindu, Residing at:
Village Sujanpura, Taluka Modhera, District Mehsana, the
petitioner no..... herein, do hereby solemnly affirm and
state on oath that:

That whatever is stated hereinabove from paragraph no. 1 to 9 is true to the best of my knowledge, information and belief and I believe the same to be true and correct. That paragraph no. 8 (A) to (H) contains the grounds of the application and paragraph no.12 contains the prayer clause.

Solemnly affirmed on this day of October, 2020 at Ahmedabad.

DEPONENT

Identified by me

Advocate

7.	F	Copy of the application dated 16-09-2020.	
8.	G	Copy of the application dated 17-09-2020.	
9.	H	Copy of the details of the cattle.	
10.	I	Copy of the cattle survey report by Gauchar Bachav Samiti Sujanpura.	

01-09-2020	That, the Collector Mehsana passed an order for allotment of the grazing land from Survey No. 500 (Old Survey No. 9003) 07-02-81 Sq. Mtr. and Survey No. 499 (Old Survey No. 9002) 04-97-90 Sq. Mtr. total He.Are. 12.00.00 Sq. Mtr. are allotted for the purpose of supply of Solar Energy to Motera Surya Mandir and allotted to Energy And Petrochemical Department Gandhinagar, respondent no.4 herein. (Annexure B)
09-09-2020	That, the petitioners and other villagers came to know about the allotment of the grazing land, villagers made an application to respondent Panchayat by containing that in the village, 100% Bakshi Panch community are residing and they are doing agricultural and cattle rearing activities and earning their livelihood from them, there is more than 2000 cattle in the village and if the land is allotted then for grazing the cattle, it will create a great difficulty and further rainy water, natural course is also passing, which obstruct and which may create danger to the life of the villagers. (Annexure C)
16-09-2020	That, Gram Panchayat passed a resolution by containing that before allotment of the above land, there was no any previous

	approval or consent are taken from the Gram Panchayat. (Annexure D)
19-09-2020	That, Sujanpura Gram Panchayat also passed a resolution to shift the Solar Power Plant to the other place. (Annexure E)
16-09-2020	That, villagers of the Sujanpura made an application to the Mamlatdar Bechraji against the allotment by stating that there is more than 2000 cattle and there is another aspect that rainy water is passing from the land which may create danger to life. (Annexure F)
17-09-2020	That, villagers also made an application before Collector Mehsana to change the place of the Solar Plant to the other place. (Annexure G)
	That, the petitioner also place on record the population of the cattle as per the Panchayat record of the year 2020-21 wherein at present total 1504 cattle in the village. (Annexure H)
	That, the petitioner also place on record the details of the cattle of the village by name and cattle there is 1504 cattle in the village. (Annexure I)
	That, there is no sufficient grazing land available in the village Sujanpura compared to cattle population and as per the Government resolution there is 40 Acre

	lands are required for 100 cattle, in the present case, there is no sufficient and adequate Gauchar land and therefore, impugned order of allotment is contrary to the Government Circular and policy.
	That, before passing the allotment order as the grazing land is belonging to the Gram Panchayat even Gram Panchayat is not consulted or taken any approval prior to allotment of the land.
	That, the allotment of the grazing land is contrary to the Government Policy and contrary to the judgment pronounced by the Hon'ble Apex Court and this Hon'ble Court.
	That, the allotment of the grazing land for the purpose of solar energy to respondent no.4 is contrary to the well settled provisions of law as even compared to 1504 cattle there is not adequate Gauchar and by allotting 12 Hectare more land from grazing land, it will create more imbalance to the grazing land.
	That, most of the villagers who are depending upon agricultural and cattle rearing activities as if there is not sufficient grazing land for grazing the cattle, then they need to purchase a cattle food from the open market, which is very costly and which affect the livelihood of the villagers.
	Hence, this petition.

