

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**CIVIL APPLICATION (FOR DIRECTION) NO. 5579 of 2013**

**In WRIT PETITION (PIL) NO. 259 of 2012**

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RIZWAN AHMED USMANI & 1....Applicant(s)

Versus

STATE OF GUJARAT THRO SECRETARY & 2....Respondent(s)

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**Appearance:**

NK MAJMUDAR, ADVOCATE with MR. SANJAY SUTHAR, for the Applicant(s) No. 1 - 2  
MR. P.K.JANI, GOVERNMENT PLEADER with MR ALKESH SHAH, for the Respondent(s) No. 1 , 3  
MR. PRASHANT DESAI, SR. COUNSEL with MR DHAVAL G NANAVATI, ADVOCATE for the  
Respondent(s) No. 2

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE MR.**  
**VIJAY MANOHAR SAHAI**  
**and**  
**HONOURABLE MR.JUSTICE J.B.PARDIWALA**

**Date : 10/05/2013**

**ORAL ORDER**

**(PER : HONOURABLE MR.JUSTICE J.B.PARDIWALA)**

By this Civil Application at the instance of the original petitioners, it has been prayed that the Corporation be directed to return back the lorries and goods of various lorriwalas/hawkers, whose lorries and goods have been seized by the Corporation authorities, after imposing some penalty, subject to the final outcome of the main writ-petition.

We have heard Mr. Prashant Desai, the learned Senior Advocate assisted by Mr. Maulik Nanavati for Mr. Dhaval Nanavati, appearing for the Surat Municipal Corporation. Mr.

Desai, on instructions, states that all those lorries and goods which have been seized past more than 21 days will be released by the authorities.

We have been informed by Mr. Desai that there is a Policy framed by the Surat Municipal Corporation that the lorries could be parked only in certain prescribed areas, and the lorries parked against that policy if seized, would not be released prior to 21 days of the seizure.

Prima-facie, non-release of lorries before 21 days of seizure appears to us to be too harsh. We direct that all those lorries which are in the custody of the authority for more than 21 days be released immediately by imposing some minimum penalty, and on furnishing an undertaking in writing that they shall not park such lorries on notified roads.

With such direction, we dispose of this Civil Application. Let the main matter appear 3 weeks after the reopening. Direct service today permitted.

**(V.M. SAHAI, ACJ.)**

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

Mohandas