

IN THE HIGH COURT OF BOMBAY AT GOA.
WRIT PETITION NOS. 733 OF 2015, 734 OF 2015
AND 735 OF 2015.

WRIT PETITION NO. 733 OF 2015

1. M/s Kariff Beach Retreat (Goa)
Pvt. Ltd., a company
incorporated under the
Companies Act, 1956, having
registered office at RH-25,
Danika Residency, Near Colva
Police Station, Vanelim, Colva,
Salcete, Goa.
 2. Mrs. Karen Frances Young,
major of age, business, RH-25,
Danika Residency, Near Colva
Police Station, Vanelim, Colva,
Salcete, Goa.
 3. Mr. Clifford Young, major of
age, business, RH-25, Danika
Residency, Near Colva Police
Station, Vanelim, Colva,
Salcete, Goa.
(All represented herein by
their true and lawful attorney,
Mr. Victor A. Vaz, Major, House
No. 97, Grande Vanelim, Colva,
Salcete, Goa.)
- Petitioners.

Versus

1. The State of Goa, through its
Chief Secretary, Secretariat,
Alto Porvorim, Bardez, Goa.
2. Chief Electrical Engineer,
Government of Goa, Electricity
Department, Vidyut Bhavan,
Panaji, Goa.
3. The Chief Engineer, Public
Works Department,
Government of Goa, Altinho,

Panaji, Goa.

4. The Assistant Engineer-II, Sub Division II, W. D. IX, Public Works Department, Government of Goa, Altinho, Panaji, Goa.
 5. The Assistant Engineer, Electricity Department, Government of Goa, Aquem, Salcete, Goa.
 6. The Health Officer, Urban Health Centre, Government of Goa, Cansaulim.
 7. Minguel Francisco Gomes, major of age, sole proprietor, M/s Micon Realtors, Office No.274, Ground Floor, Delia Residency, Near J. J. Costa Hospital, Opp. Our Lady of Rosary Church, Fatorda, Salcete, Goa.
- Respondents.

**WITH
WRIT PETITION NO. 734 OF 2015**

1. M/s Sanjan Garden Resort (Goa) Pvt. Ltd., a company incorporated under the Companies Act, 1956, having registered office at RH-19, Danika Residency, Near Colva Police Station, Vanelim, Colva, Salcete, Goa.
 2. Mrs. Sandra Lee Stephens, major of age, business, RH-19, Danika Residency, Near Colva Police Station, Vanelim, Colva, Salcete, Goa.
- Petitioners.

Versus

1. The State of Goa, through its Chief Secretary, Secretariat, Alto Porvorim, Bardez, Goa.
 2. Chief Electrical Engineer, Government of Goa, Electricity Department, Vidyut Bhavan, Panaji , Goa.
 3. The Chief Engineer, Public Works Department, Government of Goa, Altinho, Panaji, Goa.
 4. The Assistant Engineer-II, Sub Division II, W. D. IX, Public Works Department, Government of Goa, Altinho, Panaji, Goa.
 5. The Assistant Engineer, Electricity Department, Government of Goa, Aquem, Salcete, Goa.
 6. The Health Officer, Urban Health Centre, Government of Goa, Cansaulim.
 7. Minguel Francisco Gomes, major of age, sole proprietor, M/s Micon Realtors, Office No.274, Ground Floor, Delia Residency, Near J. J. Costa Hospital, Opp. Our Lady of Rosary Church, Fatorda, Salcete, Goa.
- Respondents.

**WITH
WRIT PETITION NO. 735 OF 2015**

1. M/s Hibiscus Holiday Homes, (Goa) Pvt. Ltd., a company incorporated under the Companies Act, 1956, having

registered office at RH-18,
Danika Residency, Near Colva
Police Station, Vanelim, Colva,
Salcete, Goa.

2. Mrs. Frances Hillary Peters,
major of age, business, RH-18,
Danika Residency, Near Colva
Police Station, Vanelim, Colva,
Salcete, Goa.

3. Mr. Alan Charles Peters, major
of age, business, RH-18,
Danika Residency, Near Colva
Police Station, Vanelim, Colva,
Salcete, Goa.

(All represented herein by
their true and lawful attorney,
Mr. Mario Agnelo Gaudancio
Caetano Pereira, Major, House
No. 113, Moti Vaddo, Majorda,
Salcete, Goa.)

..... Petitioners.

Versus

1. The State of Goa, through its
Chief Secretary, Secretariat,
Alto Porvorim, Bardez, Goa.

2. Chief Electrical Engineer,
Government of Goa, Electricity
Department, Vidyut Bhavan,
Panaji, Goa.

3. The Chief Engineer, Public
Works Department,
Government of Goa, Altinho,
Panaji, Goa.

4. The Assistant Engineer-II, Sub
Division II, W. D. IX, Public
Works Department,
Government of Goa, Altinho,
Panaji, Goa.

5. The Assistant Engineer,
Electricity Department,
Government of Goa, Aquem,
Salcete, Goa.
6. The Health Officer, Urban
Health Centre, Government of
Goa, Cansaulim.
7. Minguel Francisco Gomes,
major of age, sole proprietor,
M/s Micon Realtors, Office
No.274, Ground Floor, Delia
Residency, Near J. J. Costa
Hospital, Opp. Our Lady of
Rosary Church, Fatorda,
Salcete, Goa. Respondents.

Mr. A. F. Diniz, Advocate for the petitioners in all petitions.

Mr. V. Rodrigues, Government Advocate for the respondent
nos.1 to 6 in all petitions.

**Coram:-F. M. REIS,
K. L. Wadane,JJ.**

Date:-30th September, 2015.

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. A. F. Diniz, learned Advocate appearing
for the petitioner and Mr. V. Rodrigues, learned Government
Advocate appearing for the respondent nos.1 to 6.

2. Rule. Heard forthwith with the consent of the
learned counsel appearing for the parties. The learned
Government Advocate for the respondents nos. 1 to 6 waives
service.

3. Mr. V. Rodrigues, learned Government Advocate appearing for the respondent nos.1 to 6 upon instructions from the Public Health Officer who is present in the Court has pointed out that the impugned order was passed on the premise that the petitioners were seeking for reconnection of the water connection which was earlier disconnected pursuant to the direction of the PWD. But, however the request of the petitioners was for essential services such as water and electricity in terms of Section 94(A) of the Public Health Act. Shri Rodrigues, further submits that to avail of such services, the petitioners have to file an application in a proper format in terms of the office memorandum dated 25.1.2005.

4. Shri Diniz, learned counsel submits that such application shall be filed within a period of one week from today.

5. In case such application is filed, the concerned authority shall proceed to examine such application in terms of Section 94(A) of the Public Health Act, without being influenced by any observations contained in the impugned order. Such exercise shall be carried out as expeditiously as possible, and in any event, within a period of three weeks from the date of receipt of the application in accordance with law. All contentions of the parties are left open.

6. Rule made absolute in the aforesaid terms.
7. Petition stands disposed of accordingly.

vn* K. L. WADANE, J.

F. M. REIS, J.