

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 201 of 2016

The Village Panchayat of Sernabatim,
Vanelim, Colva & Gandaulim,
Through its Secretary, Mr. Amol Tilva
having office at Colva,
Salcete Goa 403 708.

.... Petitioner

V e r s u s

1. The Goa State Pollution Control Board,
Through its Member Secretary,
Having office at
1st Floor, Dempo Towers,
EDC Patto Plaza, Panjim, Goa.

2. Shri Levinson J. Martins (deleted as per order dtd.22/6/2016)
Member Secretary,
Having office at 1st floor,
Dempo Towers, EDC Patto Plaza,
Panaji, Goa.

..... Respondents

CORAM: C. V. BHADANG, J.
DATE: 22ND JUNE, 2016.

Mr. Carlos Alvares Ferreira, Advocate for the Petitioner.

Mr. D. Lawande, Government Advocate for the Respondents.

ORAL JUDGMENT :

Leave to correct the designation of respondent no.2
by deletion of name of the Member Secretary is granted as
sought. Correction to be carried out forthwith.

2. Rule. Rule made returnable forthwith. The learned Government Advocate waives service for the respondents.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. Heard finally by consent of the parties.

4. By this petition, the petitioner, Village Panchayat is challenging the order dated 4/12/2015 passed by the respondent no.1, whereby the approval granted to the site for garbage disposal, as per the Rural Garbage Disposal Scheme, 2005 has been cancelled. The only contention raised is that the show cause notice dated 6/11/2011 issued was prior in point of time to the guidelines formulated by the Technical Advisory Committee (TAC) which guidelines were approved in the meeting of the Board on 12/3/2015. It is thus contended that the approval has been canceled on the basis of the said guidelines which the petitioner was not put on notice.

5. The learned Government Advocate for the respondents states that in the given circumstances the Board shall issue fresh show cause notice to the petitioner and shall pass appropriate orders after hearing the petitioner/its representative, in accordance with law. In such circumstances the following order is passed by consent of the parties:

ORDER:

- (i) The petition is allowed. The impugned order dated 4/12/2015 is hereby set aside.
- (ii) The respondents would be at liberty to issue a fresh show cause notice to the petitioner and to pass appropriate orders after hearing the petitioner/its representative, in accordance with law.
- (iii) The rival contentions of the parties are left open.
- (iv) Rule is made absolute in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

ap/-