

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 269/2015**

Dilip R. Shetye,
son of R.Shetye, major of age (age
not known) Indian National, married,
resident of H.No. Not known,
Raj Excellancy,
Ribandar, Ilhas, Goa.
(Represented through Power of
Attorney) Sandeep N. Nigalye,
son of late Nilkanth Nigalye,
Director of M/s. Raj Housing Development
Pvt. Ltd., aged 46 years, Indian National,
having office at S-1, Pai House,
Above The Goa Urban Co-operative
Bank, Ponda, Goa. Petitioner.

V/s.

1. State of Goa,
through the Chief Secretary,
Government of Goa
Secretariat Complex,
Porvorim, Goa.

2. Office of the Assistant Engineer,
Sub-Div. 1, Div III (PHE-N),
Public Works Department,
St. Inez, Panaji, Goa.

..... Respondents.

1. Kashinath Shetye,
major, Indian National,
r/o. A-102, Raj Excellency,
Patto, Ribandar, Goa.

2. Sanyogita Shetye,
major, Indian National,
r/o. A-102, Raj Excellency,
Patto, Ribandar, Goa.

..... Intervenors.

Mr. Gaurish N. Agni and Mr. Shaikh Fahad, Advocates for the petitioner.

Mr. P. Dangui, Additional Govt. Advocate for the respondents.

Intervenors – absent.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 21 JANUARY 2016.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. Gaurish Agni, learned Counsel appearing for the petitioner and Mr. P. Dangui, learned Additional Govt. Advocate appearing for the respondents.

2. By an interim order passed by this Court dated 1st September, 2015, directions were, *inter alia*, issued to the respondent No.2 to release the water connection to the subject-premises for domestic consumption only, without prejudice to the rights and contentions of the parties and, after complying with all necessary

conditions and requirements, in accordance with law. It is pointed out by the learned Additional Government Advocate appearing for the respondents that in terms of the said directions, the water connection has been released for domestic consumption. The learned Additional Govt. Advocate, however, points out that the initial refusal to release the water connection was in view of the interim directions issued by this Court by order dated 4th March, 2010 in Writ Petition No.41/2009. The said petition is still pending for consideration and has not yet been disposed of. In such circumstances, we dispose of the above writ petition on the basis of the directions issued in the interim order dated 1st September, 2015. The water connection released to the petitioner shall be subject to further directions which may be issued in the said Writ Petition No. 41/2009.

3. With the above directions, the petition stands disposed of. All contentions of both the parties, on merits, are left open. Needless to say, the petitioner, if so advised, may file an appropriate application to get himself impleaded in the said pending writ petition, in accordance with law.

K.L. WADANE, J.

ssm.

F.M. REIS, J.