

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 485 OF 2015.**

1. Mr. Vinod Y. Samant
Major in age, self employed,
R/o. H. No. 2/1, Ameshewada,
Cuncollem, Mardol – Goa
2. Mr. Viraj Y. Samant
Major in age, self employed,
R/o. H. No. 2/1, Ameshewada,
Cuncollem, Mardol – Goa

..... Petitioners

Versus

1. State of Goa,
Through its Chief Secretary,
having office at secretariate,
Porvorim, Bardez – Goa.
2. Chief Engineer,
Water Resource Department
Having office at Sinchai Bhavan,
Porvorim, Bardez – Goa
3. Executive Engineer and,
Ground Water Officer (South),
Works division XIII,
Water Resources Department,
Gogol, Margoa – Goa.
4. Director of Transport,
Having office at 1st floor,
Junta House, Panaji – Goa.
5. Chief Electrical Engineer,
Having office at Electricity Department,
Vidhut Bhavan,
Panaji-Goa.

6. Deputy Superintendent of Police,
Having office at Farmagudi,
Ponda-Goa.
7. Goa Industrial Development Corporation,
Through Its Managing Director,
Having Office at EDC Patto Plaza,
Panaji-Goa.
8. Mr. Rajendra Laxmikant Desai,
Major in age, R/o. H.No.448,
Maradol,Ponda-Goa
9. M/s. Shruti Water Supply
Through its proprietor,
c/o. H.o.17/47, 1st Floor,
Amard Waddo, Taligao,
Tiswadi-Panaji-Goa.
10. Mr. C.M.A. Shaf
Major in age, R/o H.No.A/9,
Surendra Building,
Khadpabandh,
Ponda-Goa
11. Mr.Virendra S. Mardolkar
Major in age R/o H.No.302,
Near Mahalasa Temple
Mardol, Ponda-Goa
12. Mrs. Vaibhavi Mardolkar
Major in age R/o. H.No.302,
Near Mahalasa Temple
Mardol, Ponda-Goa

... Respondents.

Mr. Pranay A. Kamat, Advocate for the Petitioners.

Mr. P. Dangui, Additional Government Advocate, for the Respondents
no. 1 to 6.

Coram:- F.M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 12th April, 2016.

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

Heard Shri Pranay Kamat, learned Counsel appearing for the Petitioners and Shri P. Dangui, learned Additional Government Advocate appearing for the Respondents.

2. Rule. Learned Additional Government Advocate appearing for the Respondents waives service. Heard forthwith, with the consent of the learned Counsel.

3. Upon hearing the learned Counsel appearing for the respective parties, the grievance of the Petitioner appears to be essentially that the provisions of the Goa Ground Water Regulation Act, 2002 are not complied with by the Respondents who have permitted illegal activity of drawing water by borewell in Kundaim Industrial Estate and adjoining areas. Learned Additional Government Advocate has pointed out that the directions with regard to monitoring the illegal extraction of water and

implementation of the provisions of the said Act have already been issued by this Court whilst disposing of PILWP 22/2013 by Judgment dated 18.11.2015.

3. Shri Kamat, learned Counsel appearing for the Petitioners further points out that despite of the said directions, atleast in two specific instances there was illegal drawing of water by two establishments, namely, M/s. United Lead Oxide Pvt Ltd. and M/s. Pranchi Aqua Mineral Pvt Ltd., and no action has been taken by the respondents though the concerned wells have not been registered in terms of the said Act.

4. Learned Additional Government Counsel, however, points out that action has already been initiated and order dated 25.02.2016 has already been issued to both the said establishments to stop operation of drawing water from the concerned wells. Shri Kamat, learned Counsel for the Petitioners further points out that despite of said order activity is still going on. Learned Additional Government Advocate has also brought to our notice an affidavit filed by the Superintendent of Police with regard to action taken in connection with such illegal activities.

5. Without going into the correctness of the rival contentions on

this aspect, we find it appropriate to direct the Respondent no. 3 to forthwith ensure the compliance of the said directions issued in the said order dated 25.02.2016 and take necessary action to suspend any such drawing of water without complying with all the requirements in terms of the said Act. Needless to say the defences, if any, of such establishment to such action are left open to be examined in an appropriate forum in accordance with law.

6. Shri Kamat, learned Counsel appearing for the Petitioners raised another grievance that though the directions are passed still such illegal operations are going on unaffected and no action is being taken against them when they again resort to similar illegal activity. We do not appreciate the conduct of the Respondent on this count, but, however, the Respondent no. 3 will ensure that any illegal activities are not allowed to prosper and immediate action will have to be taken to see that the illegal activity of drawing ground water is stopped in terms of the Act by immediately suspending such activity.

7. As far as the remaining grievances of the Petitioners are

concerned, the Respondents shall proceed to comply with the directions issued by this Court whilst disposing the PILWP No. 22/2013.

8. Rule stands disposed in terms of the above directions.
Liberty to the parties to apply.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr.