

IN THE HIGH COURT OF BOMBAY AT GOA.

**PUBLIC INTEREST LITIGATION WRIT
PETITION NO.27 OF 2015.**

- 1 Mrs. Lourdes D'Cunha,
Major, r/o H. no.34,
Duncolim-Seraulim, Salcete
Goa 403708
National Unique Identity
Number:
Fax No:-Nil
Mobile No.9850909960
PAN Number:AMPPC9515K
Annual Income:-Nil
Email:Nil.
- 2 Mr. Agnelo Afonso, major,
r/o H. no.21, Duncolim-
Seraulim, Salcete Goa
403708.
National Unique Identity
Number:850508677765
Fax No:-Nil
Mobile No.08322757221
PAN Number:Nil
Annual Income:-Rs. Nil
Email:Nil.
- 3 Mr. Elvis Correia, major,
r/o H. no.50/B Duncolim-
Seraulim, Salcete Goa
403708
National Unique Identity
Number:997099803471
Fax No:-Nil
Mobile No. 9881240260
PAN Number:Nil
Annual Income:-Rs.50,000/-
Email:Nil.
- 4 Mrs. Natty Rodrigues,
major, r/o H. no.49,
Duncolim-Seraulim, Salcete
Goa 403708

National Unique Identity
Number: 671502098389
Fax No:Nil
Mobile No. 9922728413
PAN Number:Nil
Annual Income:-Nil
Email:Nil.

5 Mr. Carlos Fernandes,
major, r/o H. no.57/D,
Duncolim-Seraulim, Salcete
Goa 403708
National Unique Identity
Number: 623143503059
Fax No: Nil
Mobile No. 9822954058
PAN Number:ABYPF3695F
Annual Income:-1,00,000/-
Email:Nil.

6 Mrs. Dominica D'Costa,
major, r/o H. no.23/c,
Duncolim-Seraulim, Salcete
Goa 403708
National Unique Identity
Number: 493810975592
Fax No: Nil
Mobile No. 9270084780
PAN Number:Nil
Annual Income:-Nil
Email:Nil.

7 Mr. Victorino Baptista,
H. no.31 Duncolim-Seraulim,
Salcete Goa 403708
National Unique Identity
Number:
Fax No: Nil
Mobile No. 9422450985
PAN Number:AHUPB9870B
Annual Income:-Rs.60,000/-
Email:Nil.

8 Mrs Daisy D'Cunha, major,
r/o. H. no 3/A, Duncolim-
Seraulim, Salcete Goa
403708
National Unique Identity

Number: 988959551697
Fax No: Nil
Mobile No. 9657066384
PAN Number: Nil
Annual Income:-Nil
Email: Nil.

- 9 Mr Bernabe Luis major, r/o
H. No.47, Duncolim
Seraulim Salcete Goa
403708
National Unique Identity
Number: 997661158896
Fax No: Nil
Mobile No. 9689524054
PAN Number: Nil
Annual Income:-Nil
Email: Nil.
- 10 Mr Domingos M. F.
Fernandes, major, r/o H.
no.29/A, Duncolim Seraulim,
Salcete Goa 403708
National Unique Identity
Number: 855123751148
Fax No: Nil
Mobile No. 9049560160
PAN Number:
Annual Income:-Nil
Email: Nil.

Versus

1. The State of Goa, Through
its Chief Secretary,
Secretariat, Porvorim, Goa.
2. The Goa State Pollution
Control Board, Through its
Member Secretary, Having
office at 1st floor, Dempo
Towers, Patto, Panaji-Goa.
3. The Health Officer, Primary
Health Centre, Cansaulim,
Mormugao-Goa.

4. The District Magistrate,
South Goa, Margao-Goa.
5. The Village Panchayat of
Seraulim, Through its
Secretary, Seraulim,
Salcete-Goa.
6. Mr. Antonio Rosario
Fernandes, s/o Joaquim
Santan Fernandes, major,
resident of H. No. 33,
Duncolim, Seraulim, Salcete
Goa.
7. Mr. Manguesh Fernandes,
Son of Salvador Fernandes,
Major, resident of H. No. 48,
Duncolim, Seraulim,
Salcete-Goa. Respondents.

Shri Nigel Costa Frias, Advocate for the petitioners.

Shri S. D. Lotlikar, Advocate General with Shri S. Dhargalkar,
Addl. Govt. Advocate for the respondent nos.1, 3 and 4.

Ms. P. Bhandari, Advocate for the respondent no.2.

Shri S. Redkar, Advocate for the respondent no. 7.

Shri P. Sawant, Advocate for the respondent no. 5.

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

Date: 15th September, 2016.

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

Heard Shri Nigel Costa Frias, learned Advocate for

the petitioners, Shri S. D. Lotlikar, learned Advocate General for the respondent nos.1, 3 and 4, Ms. P. Bhandari, learned Advocate for the respondent no.2, Shri S. Redkar, learned Advocate for the respondent no. 7 and Shri P. Sawant, learned Advocate for the respondent no. 5.

2. Rule.

3. Heard forthwith with the consent of the learned Counsel appearing for the respective parties.

4. The learned Counsel appearing for the respective respondents waive service.

5. The grievance of the petitioner is essentially that the Pollution Control Board and Health Officer are not taking actions with regard to a piggery established by the respondent no.6 in their property surveyed under Nos. 22/7 and 23/1 of village Duncolim.

6. The Member Secretary of the respondent no. 2 has filed an affidavit *inter alia* stating at paragraph 6 that an

inspection was carried out on 18.7.2016 and directions have been issued to the respondent nos. 6 and 7 under Section 33(A) of the Water Prevention and Control of Pollution Act, 1974 which directions reads thus:-

- “a. Segregate the existing waste dumps from the premises and bale the non-biodegradable waste in a scientific manner and maintain hygienic condition in the premise in order to avoid public nuisance and compost the bio-degradable waste.
- b. Dispose the stored non biodegradable dry waste through an authorized recycler and the non biodegradable dry waste to Solid Waste Management Cell of Department of Science and Technology and submit the manifest copies for the same to the Board.
- c. To establish a bio-gas plant for treatment and disposal of animal waste.
- d. Submit an action plan for above to this office within 15 days from the date of receipt of this direction.”

7. The Health Officer had also issued a notice to the respondent nos. 6 and 7 *inter alia* calling upon the said respondents to take remedial measures with regard to such

activities been carried out in their property. The learned Advocate General has also brought to our notice a report prepared by the Health Officer pursuant to an inspection carried out on 14.9.2016. The notice as well as the inspection report are taken on record and marked "X" colly. Considering the actions has been taken by the concerned authorities, we find that the grievance of the petitioner stands redressed.

8. Needless to say that the respondent no. 2 as well as respondent no.3 to ensure that the directions issued pursuant to the said inspection as reflected in para 6 of the affidavit referred to herein above are complied with in accordance with law.

9. With the above directions, Rule stands disposed off accordingly.

NUTAN D. SARDESSAI J.

F. M. REIS, J.

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