

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 811 OF 2016

1. Smt. Rajeshri Shyam Kamat,
wife of Shri Shyam Kamat,
aged 42 years, Indian National,
resident of Quarter No.19 Type 'B',
Custom Colony, Headland Sada,
Vasco-da-Gama-Goa.
 2. Smt. Chitra Anant Surlikar,
wife of Ananta Surlikar,
aged 52 years, Indian National,
residing near Fish Market,
Goa Velha,
Tiswadi Taluka Goa.
 3. Shri Harish Dinkar Naik,
son of Shri Dinkar Naik,
aged 40 years, Indian National,
resident of House No.353(A),
Assai Dongri, Dabolim Airport Road,
Vasco-da-Gama- Goa.
 4. Shri Vidyanand Kamlakant Usapkar,
son of Shri Kamlakant Usapkar,
aged 48 years, Indian National,
resident of House No.96, Panaswada,
Kirlam Sarvan, Karapur,
Sankhali Goa.
 5. Shri Ratnakar G. Pednekar,
son of Shri G. Pednekar,
aged 66 years, Indian National,
resident of House No.91,
Ward No.9, Sarvan, Karapur,
Sankhali Goa.
- Petitioners

V e r s u s

1. The Assistant Engineer,
Water Supply,
Public Works Department,
Bicholim Goa.

2. The State of Goa,
through its Chief Secretary,
having office at Secretariat,
Porvorim, Bardez Goa.

... Respondents

Mr. Devidas J. Pangam, Advocate for the petitioners.

Mr. S. D. Lotlikar, Advocate General with Ms. Amira Abdul Razaq,
Government Advocate for the respondents.

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

Date:- 22nd September, 2016

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

Heard Mr. D. Pangam, learned counsel appearing for the
petitioners and Mr. S. D. Lotlikar, learned Advocate General
appearing for the respondents.

2. Rule. Heard forthwith with the consent of the learned
counsel.

3. The learned Government Advocate appearing for the respondents waives service.

4. Upon hearing the learned counsel appearing for the respective parties, the grievance of the petitioners is that though orders have been passed by the Health Officer in terms of Section 94(A)(1)(a) of the Goa Public Health Act, 1985, by orders dated 25.05.2016, 14.07.2016 and 28.01.2016 however, no action has been taken by the concerned Department in complying with such directions.

5. During the course of the hearing of the above petition, the petitioners were called upon to suggest the proposed manner in which such domestic water connection can be granted to the residential premises of the petitioners. Accordingly, a crockie was submitted by the petitioners disclosing such route for releasing the water connection to them.

6. Mr. S. D. Lotlikar, learned Advocate General has pointed out that there can be alternate routes by which such water connection can be released to the petitioners. The modality of working to the

release the water through a specific route is a matter which the respondent no.1 would have to consider on its own merits in accordance with law. But the fact remains that there are orders passed by the Health Officer in terms of Section 94(A)(1)(a) of the Goa Public Health Act, 1985 which have to be implemented by the respondent no.1. After all the rights of the third party, if any, have been duly protected in terms of the said provisions.

7. In such circumstances, we dispose of the above petition by directing the respondent no.1 to proceed to release the water connection to the petitioners in terms of the said orders dated 25.05.2016, 14.07.2016 and 28.01.2016 as expeditiously as possible in the light of the observations made herein above within three months from today in accordance with law. Needless to say, the petitioners shall bear all the expenses of laying such pipeline as estimated by the respondent no.1. Rule is made absolute in the above terms.

7. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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