

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 218 OF 2016.**

EKNATH PANDURANG NAIK,
Son of Late Pandurang Naik,
Aged about 72 years,
Retired and resident of
House No. 287, Vishnu Kunj,
Khalcha wada,
Arambol, Pernem – Goa

..... Petitioner

Versus

1. State of Goa,
Through Chief Secretary,
Government of Goa,
Panaji, Goa – 403 001
2. Chief Engineer,
Electricity Department,
Vidyut Bhavan,
Panaji – Goa
3. The Executive Engineer,
Electricity Department,
Mapusa, Bardez-Goa
4. Assistant Engineer,
Electricity Department,
Having their office at Agarwada,
Pernem-Goa
5. Shri Jaiwant Pandurang Naik,
Son of Pandurang Naik,
Major of age,
Resident of House No. 86/D,
“Pandurang Smruti”, Telang Nagar,
Near Saraswat Vidyalyaya,
Khorlim, Bardez,

Mapusa-Goa ... Respondents.
Mr. A. D. Bhobe, Advocate for the Petitioners.
Mr. Vivek Rodrigues, Additional Government Advocate, for the
Respondents no. 1 to 4.

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

Date:- 05th April, 2016.

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

Heard Shri A. D. Bhobe for the petitioners and Shri Vivek Rodrigues, learned Government Advocate for the respondents.

2. Rule. Heard forthwith. The learned Counsel for the respondents waives service.

3. We have heard both the learned Counsel and it appears that the grievance of the petitioner is that, whilst shifting the electricity pole at the instance of respondent no. 4, the electrical line was shifted to pass through the property belonging to the petitioner bearing plot no. 16. The

main objection of the petitioner is that without the consent of the petitioner, such electrical line was relocated which caused great prejudice to the enjoyment of the property by the petitioner.

4. Mr. Vivek Rodrigues, learned Government Counsel, upon instructions of Mr. K. C. Chacko, the Assistant Executive Engineer who is present in Court, has pointed out that in order to settle the dispute finally, the respondents no. 2 and 3 will relocate the said electrical line and place it above plot no. 15 which belongs to the respondent no. 4 and not in plot 16 by keeping setback of 1 meter between plot nos. 15 and 16.

5. Though Shri Bhobe, learned Counsel for the petitioner is not in a position to confirm whether such exercise would be reasonable, we find, in the facts and circumstances of the case, as the electrical line is being relocated ensuring that the line does not proceed along the plot of the petitioner, such relocation as suggested by the learned Counsel for the respondents is fair and reasonable.

6. Learned Government Advocate has pointed out that when earlier after carrying out the subject relocation, the petitioner lodged a complaint with that regard, the Assistant Executive Engineer has suggested the same methodology of shifting the electrical line in the manner referred to hereinabove.

7. Accepting the said statements and in the facts and circumstances of the case, we dispose of the above writ petition accordingly.

8. Rule stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr.