

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 407 OF 2017

SHRI ROHIDAS DATTA KORGAONKAR ... Petitioner
Versus
STATE OF GOA THROUGH ITS CHIEF
SECRETARY AND 5 ORS., ... Respondents

Mr. Devidas J. Pangam, Advocate for the petitioner.
Mr. D. Lawande, Advocate General with Mr. A. Gomes Pereira,
Additional Govt. Advocate for the respondents No. 1 to 4.

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

Date:- 3rd May, 2017

P.C.:

Heard Mr. D. Pangam, learned Counsel appearing for the petitioner and Mr. D. Lawande, learned Advocate General appearing for the respondents No.1 to 4.

2. The petitioner, who is a tenant of a paddy field which is at a distance of 30 metres from the subject bund in question, has approached this Court on the ground that immediate remedial measures are required to be taken to protect the bund from inundation in view of its precarious condition. The learned Counsel appearing for the petitioner has also brought to our notice the photographs which are placed on record to point out requirement of immediate repairs to the bund which, otherwise, would cause grave prejudice to the petitioner in view of the

ensuing monsoon season.

3. On the other hand, Mr. D. Lawande, learned Advocate General has pointed out that in view of the Judgment passed by the learned National Green Tribunal dated 30/11/2016, there is a restraint order from carrying out any development work to the subject bund. The learned Advocate General further submits that only on that count, the work cannot be carried out which, otherwise, the respondents are prepared to complete expeditiously.

4. Upon hearing the learned Counsel and on perusal of the said Judgment dated 30th November, 2016, we find that the restraint order is not to carry out any construction activity of the jetty and the riverfront by the respondents No.3 and 4 herein. There is no specific restraint order with regard to the maintenance and repairs of the bund. In fact, para 18 of the said Judgment clearly records that the bunds have to be protected and the maintenance of the bund is necessary to be carried out by the respondents No.3 and 4.

5. In such circumstances, we find that there is an immediate apprehension of a calamity in case the bund is immediately not repaired. Without prejudice to the rights and contentions of the parties referred to in the said Judgment, the

respondents No.3 and 4 shall proceed to take appropriate measures to protect the subject bund before the ensuing monsoon season.

6. With the aforesaid directions, the petition is disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

ssm.