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IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.12 OF 2017

Arvind Franco Cardozo

...Petitioner

Versus

State of Goa through its Chief Secretary & Ors

...Respondents

Mr Vivek Rodrigues, *Advocate for the petitioner.*

Mr Dattaprasad Lawande, *Advocate General with Mr P Faldessai,*
Additional Government Advocate for respondents No 1, 2 and 5.

Mr Dattaprasad Lawande, *Advocate General with Mr P Dangui,*
Additional Government Advocate for respondent No 6.

CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ

DATED: 6th September 2017

PC:-

1. Heard.

2. The Petitioner challenges the decision of the Respondents, and particularly Respondents No 1, 2 and 4, to construct an Overhead Water Reservoir (“OHR”) in Survey No 200/1 in village Calangute. According to the Petitioner this water supply augmentation scheme is unnecessary since there is an alternative, one already proposed and even inaugurated. The Petitioner also submits that the site of the OHR is inappropriate since this the only parking space available for visitors to Calangute beach. Finally, it is

submitted that no Environmental Impact Study has been done in regard to the construction of the OHR.

3. Taking the last point first, we see no evidence of an Environmental Impact Assessment of allowing the continuation of a car park with polluting vehicles either. Second, it is not for us to determine an appropriate location for either of these facilities. Besides, the provision of water supply is an essential municipal service. It is not disputed that the Petitioner himself receives water supply from elsewhere; and if he does not, then he too would benefit from the advantages of this project. That said, we are quite unable to see why the permanent residents of Calangute should be told that they must make do or get by with less, or erratic or even no water supply, and that public car park should be preferred to a water reservoir. These are not decisions that demand intervention or persuade us to exercise our jurisdiction under Article 226 of the Constitution of India.

4. The petition is rejected. No costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.