

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.643 OF 2017
WITH
MISC. CIVIL APPLICATION NO. 769 OF 2017

Shri Kamalakant Shablo Pilyekar
R/o. H. No.30, Ambeshi, Pale,
Sattari – North Goa.

...Petitioner

V/s.

1. State of Goa
Through Chief Secretary,
with his office at Secretariat,
Porvorim Bardez North Goa.
2. Electricity Department
Through Chief Engineer,
with his office at Vidyut Bhavan,
Panaji, North Goa.
3. The Assistant Engineer,
Electricity Department,
Sanquelim – Bicholim
North Goa.

... Respondents

Ms. Neelam Patil, Advocate for the Petitioner.

Ms. P. Kamat, Additional Government Advocate for Respondent
Nos. 1, 2 and 3.

Mr. D. Gaonkar, Advocate for the Intervenor.

*Coram : N.M. Jamdar &
Nutan D. Sardessai, JJ.*

Date : 22 November 2017.

ORAL JUDGMENT (Per N.M. Jamdar, J):

Rule. Returnable forthwith. Respondents waive service.

2. The Petitioner has approached this Court seeking writ of mandamus directing the respondent to immediately shift the electricity pole erected in the middle of the property bearing Survey No. 73/9.

3. We have heard the learned Counsel for the Petitioner, the learned Additional Government Advocate and the learned Counsel for the Intervenor.

4. It appears that the Intervenor and other respondents of the locality had sought a electricity connection, which was provided them by erecting the electricity poles, one of them is the subject matter of this petition. To oppose the directions sought for by the petitioner, the intervenor has filed an application stating that if the pole is shifted as sought for, it will affect the electricity supply to his

property. The learned Additional Government Advocate pointed out that there are also other beneficiaries of the electricity connection through the pole in question. It was submitted that the Government *per se* does not have any objection for the relocation but, the solution will have to be found whereby the electricity supply is not affected.

5. Considering the facts and circumstances, which involve various disputed questions of facts, we are of the opinion that it is not possible for us to simply issue a direction to remove and relocate a electricity pole as we are not in a position to foresee the implication of such directions which may affect various other members of public who are consuming electricity in the area. It will, therefore, be appropriate that Respondent No.2–The Chief Engineer, Electricity Department calls the Petitioner, the intervenor and other beneficiaries to consider their grievances and issue if necessary, directions for relocation of the pole at a suitable place, so that the dispute can be resolved with the practical solution in mind. The Chief Engineer will take necessary decisions within a period of four months from today after calling of the parties to his office. It will be open for the Chief Engineer to hold /direct site inspection alongwith the parties.

6. The Writ petition as well as the intervention application are

accordingly disposed of in above terms.

Nutan D. Sardesai, J.

N.M. Jamdar, J.