

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 795 OF 2015

John Pereira,
major, r/o H.No.931,
Pequeno Peddem
Tontem, Anjuna Goa.

... Petitioner

Versus

1. The Health Officer,
Primary Health Officer Siolim,
Bardez Goa.
2. The Assistant Engineer,
Sub-Division II,
W.D. XVII, (PHE-N) PWD,
Mapusa Goa.
3. The State of Goa,
Through its Chief Secretary,
Secretariat Porvorim Goa
4. The Village Panchayat of Anjuna -Caisua,
Through its Secretary,
Anjuna, Bardez Goa.
5. Ms. Anny D'Souza,
major, r/o Pequeno Peddem,
Tontem, Anjuna,
Bardez Goa.

... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. S. Dhargalkar,

Addl. Government Advocate for the respondent nos. 1 to 3.

Mr. Ashwin D. Bhobe, Advocate for the respondent no.4.

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

Date:- 4th January, 2017

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

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner, Mr. S. D. Lotlikar, learned Advocate General appearing for the respondent nos. 1 to 3 and Mr. A. D. Bhobe, learned counsel appearing for the respondent no.4.

2. The above petition inter alia prays for a direction to the respondent no.2 to immediately release the water supply to the petitioner's house bearing House No.931 of Anjuna Village.

3. Briefly, it is the contention of the petitioner that the petitioner had regular water supply connection issued by the

respondent no.2 which came to be disconnected on account of the complaint lodged to the effect that the petitioner was creating nuisance in the vicinity of the residential house. When the matter was taken up for interim relief, by an interim order dated 26.11.2015 we had inter alia directed the respondent nos.1 and 2 to release the water connection to the residential house of the petitioner for domestic purpose only in terms of Section 94A of the Goa Public Health Act, 1985 subject to the condition that all the requirements therein would be followed. It is not disputed that pursuant to the said order, the water connection was released to the petitioner in terms of the provisions of Section 94A of the Goa Public Health Act, 1985.

4. Mr. Lotlikar, learned Advocate General submits that the water connection will not be disturbed and in any event such connection has been released in terms of Section 94A of the Goa Public Health Act. The individual right of the parties would have to be kept open to be considered before the appropriate forum. It

is further pointed out that the release of such water connection would not defeat any right of the parties to raise the grievances before the appropriate forum in accordance with law.

5. Mr. Bhobe, learned counsel appearing for the respondent no.4/local panchayat however pointed out that the petitioner should not create any nuisance in the vicinity of his residential house in view of the release of such water connection.

6. Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner upon instructions states that the petitioner shall not create any nuisance in the vicinity of the residential house based on such release of water connection. Mr. Nigel Da Costa Frias, learned counsel further pointed out that there is also an application filed by the petitioner for construction of a toilet and soak pit which has been rejected by the local panchayat.

7. In view of the above, we dispose of the above petition by accepting the statement of the learned Advocate General

subject to that the petitioner would not create any nuisance in the vicinity of the residential house. Needless to say, all the rights, if any of the private respondent are left open in terms of the provisions of the Goa Public Health Act. The order for construction of a toilet and soak pit would be availed by the petitioner in accordance with law.

8. Rule stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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