

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.386 OF 2017

Mr. Rosario Fernandes & Anr. ... Petitioners

Versus

M/s. Swapna Developers & Ors. Respondents

Ms. M. Correia, Advocate for the Petitioners.

Mr. Y. V. Nadkarni and Ms. D. Shirgam, Advocates for Respondent No.1.

Mr. A. Kakodkar, Advocate for Respondent No.2.

Mr. A. Prabhudessai, Addl. Government Advocate for Respondent Nos. 3 and 4.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 20 August 2018.

P.C.:

We had passed a detailed order on 23 April 2018 as
under :

“Various orders have been passed in this Writ Petition from time to time since April 2017.

2. The learned counsel for Respondent No.1 tenders an affidavit of the Respondent No.1 sworn on 9 April 2018. In the affidavit, the Respondent No.1 has stated in paragraphs 6, 7 and 10 as under :

“6. This Hon'ble Court vide its order dated 13 September 2017, directed sealing of the said outlet pursuant to which, as per directions issued by the Town & Country Planning Department, the Respondent No.1 has sealed the outlet of storm water drain at the northwest corner of the property.

7. The Respondent No.1 undertakes to this Hon'ble Court to seal permanently the said outlet at the northwest corner of the property and not to discharge any water into the adjacent paddy fields of the Petitioners either through the said outlet or otherwise.

X X X X

10. I say that the Respondent No.1 is making a storm water collection pit of size 1.65m X 1.65m X 2.01m amounting to 7.50 cu.mt. Located at the lowest point of the drain in the northwest corner of the property. This pit will collect all the excess rain water

flowing from storm water drains which will pump through a 3 inch pipeline running all along the northern boundary of the property using 2HP submersible pump to a higher level into the public drain along the highway. The pump in this case will be an automatic pump which will be controlled by a censor fitted in a pit so that once the water touches the particular mark, the pump will automatically start and drain the water into the public drain.”

3. Perusal of these paragraphs indicate that the apprehension raised by the Petitioners has been fully taken care of. The learned counsel for the Village Panchayat states that these measures suggested by the Respondent No.1 will suffice and is agreeable to the modalities suggested.

4. The petition could have been disposed of today. We defer the hearing of this petition to 20 August 2018 just to ascertain the working and progress of the modalities, suggested by the Respondent No.1.

5. Stand over to 20 August 2018.

2. We had given longer time on 23 April 2018 just to ascertain whether the measures are working properly on site. On 23

April 2018 itself the Petitioners were aware about the next date of 20 August 2018. If the Petitioners had any grievance an affidavit to that effect could have been filed. No such affidavit is filed. On the other hand, Respondent No.1 has filed an affidavit stating that the measures are taken by it. Affidavit of Respondent No.1 is taken on record and it is accepted.

3. As indicated in the order dated 23 April 2018, nothing further required to be adjudicated in this petition, which is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.