

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 240 OF 2018

IN

PUBLIC INTEREST LITIGATION WP NO. 30 OF 2017

THE GOA FOUNDATION, THR. ITS
SECRETARY, DR. CLAUDE ALVARES., ... Applicant

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 15 ORS., ... Respondents

Ms.Norma Alvares, Advocate for the applicant.

Mr. D.J. Pangam, Advocate General with Mr.Deep D. Shirodkar,
Addl. Govt. Advocate for respondent nos.1,3 & 4.

Mr. D. Lawande and Mr. P. Dangui, Advocates for respondent
No.2.

Mr. S. S. Kantak, Senior Advocate with Mr. A. Gosavi,
Advocate for respondent nos.6,15,9.

Ms. Swati Kamat and Ms. Subhangi Rao, Advocates for
respondent nos.7, 10,11 and 14.

Mr. R. G. Ramani, Advocate for respondent no.13.

Mr. P. Sawant with Ms. Neha Shirodkar, Advocates for
respondent no.12.

Mr. S. D. Lotlikar, Senior Advocate with Mr. J. Karn, Advocate
for respondent no.8.

Coram:- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.

Date:- 4th July 2019

P.C.:

These two Misc. Civil Applications, MCA No.240 of 2018
and 566 of 2019, are made in a PIL Petition in relation to the

aftermath of mining operations. MCA No.240 of 2018 seeks directions concerning various reliefs which are said to be linked with the fundamental rights of the affected community and its livelihood. These reliefs include laying of water pipeline, supply of potable water and rehabilitation of local paddy fields, etc. It is not in dispute that these matters, which pertain to Pisurlem village, are not directly covered by the PIL Petition. Learned Counsel for the Applicant submits that the villagers may make applications to the authorities and agitate their grievances before appropriate fora. The Civil Application is accordingly disposed of by keeping all issues open.

2. Misc. Civil Application No.566 of 2019 deals with processing of applications for water connection received from the residents of Sonshi. As stated before this Court on the last occasion, i.e. on 19/06/2019, learned Additional Government Advocate submits that those applications (about 14 of them) in which NOC's have been received from the respondent - Panchayat have almost been fully processed and formal orders for issuing water connections through pipeline, are expected to be issued in a week's time. Learned Counsel further submits that about 23 more applications have been received since 19/06/2019. He submits that even these applications would be processed in about a month's time. That practically redresses the grievance of all applicants save and except one individual case,

which is referred to in paragraph 4 of the application. One Gomati Raghala Gawade, who is a deaf and mute elderly woman, and who have been living alone in the village for the past several decades, has not been able to obtain NOC from the Panchayat. It is submitted that the villagers have made an application for a water connection on her behalf. The application, however, was not processed, as her house, according to the Panchayat, does not have any house number. Considering the unfortunate circumstances of this woman, even if there is no number, the respondents are directed to issue her water connection based on her application. Her application shall accordingly be processed and the connection provided to her within 10 days from today. The MCA is disposed off accordingly by accepting the statements of learned Additional Government Advocate for all other applicants and issuing directions in case of Gomati Raghala Gawade as above.

3. Learned Counsel for respondent No.2, respondents No. 6,9 and 15 as also respondents No.7, 10, 11 and 14 seek time to file replies in the main PIL Petition. Replies to be filed within two weeks. Rejoinder, if any, within two weeks thereafter.

4. PIL Petition to come up for directions on 02/08/2019.

5. Though the PIL involves a broader challenge, Ms. Alvares,

learned Counsel appearing for the petitioner, makes it clear that what are now pressed are only prayer clauses (a) and (e) of the petition. Other contesting parties are expected to file their replies on that footing.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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