

IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO.1085 OF 2019
IN
SUO MOTU WRIT PETITION NO.2 OF 2007

VILLAGE PANCHAYAT OF TALEIGAO,
THR. ITS SECRETARY, PETER
MARTINS.

.... Applicant.

V/s.

1. STATE OF GOA THROUGH
CHIEF SECRETARY AND
57 ORS.,

.... Respondents

Mr. Pranay Kamat, Advocate for the Applicant.

Mr. V. Daniel, Advocate for the Respondent no.51.

Ms. Norma Alvares, Advocate as Amicus Curiae.

Mr. D. Pangam, Advocate General with Mr. Pravin Faldessai,
Additional Government Advocate for the State.

**Coram : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.**

Date : 16th December, 2019.

Oral Order: (Per M.S. Sonak, J.) :

Heard Mr. Pranay Kamat, the learned Counsel for the Applicant. Mr. V. Daniel, the learned Counsel for the Respondent no.51, i.e. the Village Panchayat of St. Cruz. Ms. Norma Alvares, the learned Counsel as Amicus Curiae and Mr. D. Pangam, the learned Advocate General with Mr. Pravin Faldessai, the learned Additional Government Advocate for the State.

2. Paragraph 24 reads as follows:

“24) Mr. R. Chodankar, the learned Counsel, appearing for the Village Panchayat of Taleigao, states that the black spots within the jurisdiction of the Village Panchayat of Taleigao will be cleared within one month from today. However, he states that the black spots on the Taleigao-Bhatlem road will be cleared within one week from today. These statements are accepted as undertakings to this Court. Compliance report to be filed in this regard by the next date”.

3. Mr. P. Kamat, the learned Counsel appearing for the Village Panchayat of Taleigao now points out that the site in question, i.e. on the Taleigao-Bhatlem road do not fall within the jurisdiction limits of Taleigao and instead they fall within the jurisdiction limits of St. Cruz. Accordingly, he submits that the Village Panchayat of Taleigao may be relieved of the undertaking in

Order dated 05.12.2019.

4. Mr. V. Daniel, the learned Counsel for the Village Panchayat of St. Cruz accepts that the above position is correct. He points out before this Court that the Panchayat on its own had employed 22 labourers and has cleared up the garbage at the black spot. He however, submits that there is construction debris at the site looking to the magnitude of this debris, it will not be possible for the Village Panchayat of St. Cruz to clear the same. He submits that the Public Works Department may be instructed to clear the same. The Advocate General submits that it is for the Village Panchayat to prevent dumping of the construction material and in any case to clear the construction debris where it is unauthorizedly dumped.

5. Ms. Norma Alvares states that there are 13 sites of the Village Panchayat where the waste can be dumped and this is not one of the 13 sites. The learned Advocate General also confirms that this is also not one of the notified site. In view of the above aforesaid statements, it is the responsibility of the Village Panchayat of St. Cruz to clear these debris.

6. Mr. Daniel, the learned Counsel for the respondent no.51, on the basis of instruction states that the construction debris

will be cleared from 15 days from today. We accept this statement and direct the Village Panchayat of St. Cruz to clear the debris within 15 days from today. We also direct the Deputy Collector to arrange for some suitable officer from his office to inspect the said site forthwith and to determine if there is any illegal construction undertaken in the fields adjoining this road. If, there is any illegal construction or filling up of mud or debris leading to conversion then the Collector must take necessary action as early as possible.

7. The paragraph 24 of our Order dated 05/12/2019 is modified so as to construe with the undertaking of the Village Panchayat of Taleigao as undertaking given by the Village Panchayat of St. Cruz. This Civil application is disposed of in the said terms.

8. The main matter is scheduled to come up on 29/01/2020. Compliance reports have to be filed by 22/01/2020. We now direct the Village Panchayat of St. Cruz as well as the Collector of North Goa, to file compliance report with regard to the directions issued as above in this order.

9. The learned Counsel Ms. Norma Alvares points out the error which has crept in Order dated 05/12/2019. Accordingly, in the last line of this paragraph the words "Advocate General" be

substituted by “Amicus Curiae”. The corrections as directed by this Order to be carried out in the main Order dated 05.12.2019 as well as the Order uploaded in the Website.

SMT. M.S. JAWALKAR, J. *M. S. SONAK, J.*
*af**