

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.310/2021

Shri Caetano A. Monteiro
58 years of age, Indian National,
Resident of H.No.20/68, Nagali,
Taleigao, Ilhas, Goa.

... Petitioner

Versus

1. State of Goa.

Through its Chief Secretary,
Having its office at Office of Chief
Secretary, Secretariat, Porvorim,
North Goa, Goa 4-3521.

2. Collector of North Goa at Panaji,
through Deputy Collector & SDO, North
Goa at Panaji Goa.

3. Office of Mamlatdar of Tiswadi at Panaji
through Main Mamlatdar at Panaji Goa.

Both having their office at Collectorate
Building, Opp. Municipal Garden,
Panaji, Goa 403001.

4. Directorate of Panchayat
Through its Director, having its office at 3rd
lift, 3rd floor, Junta House,
Panaji, Goa 403001.

5. Village Panchayat of Taleigao
Through its Secretary/Sarpanch,
having its office at Taleigao Village
Panchayat, Taleigao – Goa 403002.

6. Goa State Pollution Control Board
Through its Chairman/Member Secretary,
having its office at Near Pilerne Industrial
Estate, Opp. Saligao Seminary, Saliegao
Bardez Goa 403511.

7. M/s. Hirson Metal and Wood
Fabrication

Through its proprietorship of Shri
Chandrasekhar Hirve, major in age,
Indian National, resident and running the
fabrication business at House No.20/3,
Nagali, Tiswadi, Ilhas Goa.

... Respondents

Mr. Abhishek Sawant, Advocate for the Petitioner.

**Mr. Shubham Priolkar, Additional Government Advocate for
Respondent Nos.1 to 4.**

Ms. M. Shaikh, Advocate for Respondent No.5.

Mr. Pavithran A.V., Advocate for Respondent No.6.

Mr. Gaurish Agni, Advocate for Respondent No.7.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 9th March 2022

ORAL JUDGMENT : (Per M.S. Sonak, J.)

1. Heard learned Counsel for the parties.

2. Rule. The rule is made returnable forthwith with the
consent of and at the request of the learned Counsel for the
parties. Learned Counsel appearing for the respondents waive
service.

3. The petitioner's grievance is against respondent no.7, who is alleged to have set up a fabrication workshop in an area which the petitioner claims is zoned as 'S1'. The petitioner contends that in such a zone, a fabrication workshop cannot be set up. The petitioner also contends that the workshop is causing pollution and the authorities, despite complaints, have not taken any action.

4. Based on the aforesaid, the petitioner has prayed for directions to the respondents to take action and revoke the permissions, if any, granted to respondent no.7. Alternatively, the petitioner has sought for the following relief in prayer clause (d), which reads as follows :-

“d. Alternatively for a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directing the respondent no.5 and 6 to consider the representation/complaints dated 23.12.2020 filed by the petitioner before respondent no.5 and complaint dated 30.06.2021 in accordance with law within a timeframe as deemed appropriate by this Hon'ble Court.”

5. According to us, there can be no harm in granting the petitioner the alternate relief as prayed for. The petitioner has made complaints and even otherwise it is the duty of the statutory authorities to at least look into the complaints and

dispose of such complaints in accord with law within some reasonable time.

6. Ms. Shaikh, learned Counsel for respondent no.5-Panchayat, on instructions, states that the representations/complaints dated 23.12.2020 and 30.06.2021 made by the petitioner will be disposed of in accord with law and on their own merits within 60 days from today. Similarly, Mr. Pavithran, who appears for respondent no.6, i.e. the Goa State Pollution Control Board states that even the Goa State Pollution Control Board will dispose of the representations/complaints within 60 days from today. Both these statements are accepted and the respondent nos.5 & 6 are directed to act accordingly.

7. If any adverse orders are intended to be passed then respondent nos.5 & 6 will have to comply with principles of natural justice and fair play. In the peculiar facts of this case, even the petitioner can be heard in the matter.

8. The Rule is accordingly made absolute in terms of prayer clause (d) quoted above, by clarifying that this Court has not gone into the rival contentions on merits and, therefore, all contentions of all parties are left open for determination by respondent nos.5 & 6.

9. The parties to act on the authenticated copy of this order.

R. N. LADDHA, J.

M. S. SONAK, J.

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HALDANKAR

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