

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 22 OF 2022

HANUMANT CHANDRAKANT
PARAB ... PETITIONER
VS
THE STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 9 ORS. ... RESPONDENTS

Ms Norma Alvares with Mr Om D'Costa, Advocates for the
Petitioner.

Mr Devidas J. Pangam, Advocate General with Mr Deep D.
Shirodkar, Additional Government Advocate for Respondent
Nos. 1, 2, 3, 6 and 8.

**CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED: 17th APRIL 2023

ORAL ORDER:

1. Heard Ms Alvares who appears with Mr Om D'Costa for the petitioner and the learned Advocate General appearing along with Mr Shirodkar for the respondents.
2. From time to time we have made orders in this Petition and Ms Alvares, the learned Counsel for the petitioner states that the same was duly complied with. Accordingly, the interim and the

other orders made in this Petition from time to time are now made absolute.

3. The Director of Mines and Geology, in pursuance of the orders made by us, has issued a direction dated 31.03.2023 to M/s R.S. Shetye & Brothers, Mr Carminho Costa, M/s Cosme Costa & Sons and M/s Sesa Resources Limited, requiring these parties to contribute an amount of ₹ 18,22,700/- for de-siltation of an area of approximately 5,000 square metres from Survey No. 45/12 of Village Pissurlem, Sattari. This notice/direction dated 31.03.2023 refers to a report of the Agriculture Department stating that an area of approximately 5,000 square metres from out of Survey No. 45/12 needs to be de-silted so that the agricultural operations can commence. This notice also refers to the de-siltation of the natural lake at the site.

4. Ms Alvares submits that de-siltation of an area of only 5,000 square metres would not suffice. She states that an area of approximately 50,000 to 60,000 square metres would have to be silted.

5. For the present, the Director of Mines and Geology can proceed based upon the report of the Agriculture Department and complete the work of de-siltation to the extent of 5,000 square metres as expeditiously as possible. Further, we grant

liberty to the petitioner to make a representation to the Director of Mines and Geology about their claim and the area which needs to be de-silted and along with the representation the petitioner can produce proper material to justify their claim/demand. If such a representation is indeed made within 15 days from today, then, the Director of Mines and Geology is to consider and dispose of the same, and if necessary, by giving an opportunity of hearing to the petitioner and also the Mining Companies. All contentions of all parties in this regard are kept open.

6. Ms Alvares, on instructions from the petitioner, states that the petitioner appreciates and is grateful for the steps taken by the respondents for providing drinking water to the Village of Pissurlem.

7. This Petition is disposed of in the above terms. There shall be no order as to costs.

8. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.