

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.242/2023

NARENDRA PANDURANG
CHATIM

... PETITIONER

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND ORS.

... RESPONDENTS

Mr Nigel da Costa Frias with Ms Laxmi Sawant, Advocates for
the Petitioner.

Mr D. Pangam, Advocate General with Mr S. Priolkar, Additional
Government Advocate for the State.

Mr S. Phadte, Advocate for Respondent No.5.

Mr V. Parsekar, Advocate for Respondent No.6.

**CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 5th JULY 2023

P.C.:

1. Heard Mr Nigel da Costa Frias for the petitioner, learned Advocate General Mr D. Pangam, who appears along with Mr S. Priolkar, learned Additional Government Advocate for respondents no.1 to 4, Mr S. Phadte for respondent no.5 and Mr V. Parsekar for respondent no.6.

2. The petitioner complains about respondents no.5 and 6 not taking effective steps to comply with the Mamlatdar's directions dated 06.01.2022.

3. Accordingly, we had required the Mamlatdar to inspect the site and apprise us about the status of compliances. The Mamlatdar has filed the report pointing out that most of the compliances are in order. However, the report also makes the following observation concerning the non-compliance by respondent no.5:-

“However, it is also observed that fourth sluice gate of Serula Shetkari Tenant Association has been shut and seems it is non-functional for last many years. There is also debris deposited in the fourth sluice gate and accumulation of silt/mud over the years. On further inquiry with the locals present at the time of inspection, it is informed that the said sluice gate i.e. fourth sluice gate is closed and without operation for last more than 20 years. (Enclosed photographs as Annexure “B”).”

4. Learned counsel for respondent no.5 has filed an affidavit before us stating that the respondent no.5 does not have the technical competence to undertake repairs to the fourth sluice gate referred to above. Learned counsel however states that respondent no.5 will contribute towards undertaking of such repairs/restoration works should the Mamlatdar or the Water Resources Department (WRD) undertakes such work. Accordingly, we direct that the Mamlatdar should convene a meeting within four weeks from today. At this meeting, the representatives of respondent no.5 and the WRD, Soil

Conservation Division of the Agricultural Department with other relevant authorities/agencies must be invited and some decision must be taken on the repair/restoration of the fourth sluice gate. At the said meeting, the Mamlatdar and other agencies should also consider the issues raised in paragraphs 11 to 15 of respondent no.5's affidavit dated 04.07.2023.

5. Since respondent no.5 is not in a position to undertake such works, an estimate must be prepared and respondent no.5 is directed to deposit 50% of the estimated amount. This amount should be deposited with the Mamlatdar within four weeks from the date of intimation by the Mamlatdar.

6. The Mamlatdar, respondent no.5 and other involved agencies should endeavour to complete this repair/restoration work of the fourth sluice gate as expeditiously as possible and preferably by 31.03.2024.

7. If the petitioners have any further grievances, they are at liberty to take up such grievances with the Mamlatdar.

8. The petition is disposed of in above terms without any order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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