

Amrut

**IN THE HIGH COURT OF BOMBAY AT GOA
SUO MOTU WRIT PETITION NO. 2 OF 2023**

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF INADEQUATE
WATER SUPPLY AT DONA PAULA)

... Petitioner

Versus

STATE OF GOA THR. ITS
CHIEF SECRETARY AND ANR

... Respondents

Mr Gaurish Agni, Amicus Curiae with Advocate Mr K. Kavlekar.
Mr D. Pangam, Advocate General with Ms Sulekha Kamat,
Additional Government Advocate for the Respondents.

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

DATED : 28th AUGUST 2023

P.C.

1. Heard Mr Agni, learned Amicus Curiae for the Petitioner and Mr D. Pangam, learned Advocate General who appears along with Ms Sulekha Kamat, learned Additional Government Advocate for the Respondents.

2. On 11th May 2023, the Learned Vacation Judge of this Court (Rohit Deo, J.) made the following order:

“CORAM : ROHIT B. DEO, J.

DATED : 11th May 2023

P.C.:-

1. Issue notice to the Respondents, returnable on 16th May 2023. Ms Kamat appears and waives service for the Respondents.

2. The residents of La Oceana Colony Trust, Dona Paula, Tiswadi have addressed a letter to the Hon'ble Administrative Judge, highlighting that the supply of water by the PWD is restricted only 45 minutes to a maximum of 1 hour 15 minutes a day and on several days, there is no water supply at all. The extension of the grievance is that even the water pressure is extremely weak and given the extremely short duration of the water supply, the storage tanks which the residents have constructed, are not filled. At this stage, it would not be necessary to delve deeper in the other grievances which are articulated, including the grievance that there appears to be cherry picking inasmuch as inexplicably certain establishments and residential colonies do not face such problems.

3. The letter is treated as a Suo Motu Public Interest Petition.

4. Mr Gaurish Agni is requested to assist the Court as an amicus curiae and to file a structured and formal petition within the next week.

5. Since right to supply of clean and hygienic drinking water is an integral facet of right to dignified life guaranteed under Article 21 of the Constitution of India, the learned Advocate General is requested to use his good offices to ensure that the residents of not only the La Oceana Colony Trust, Dona Paula, but the surrounding areas are provided adequate supply.

6. *While an affidavit in response may be filed within a reasonable time after the filing of the structured and formal Petition, some interim direction shall have to be passed to minimize, if not obliterate the woes of the people.*

7. *The Principal Chief Engineer, PWD – Respondent No.2 shall ensure that the residents of La Oceana Colony Trust, Dona Paula and similarly situated citizens are assured of at least 3 hours a day drinking water supply, which period can be split or staggered depending upon administrative and technical exigencies.*

8. *Let the photo copies of the entire record be supplied to the learned Advocate General and the learned amicus curiae.*

9. *Stand over to 16th May 2023.*

10. *All concerned to act based on an authenticated copy of this Order.”*

3. In this petition, Mr Santosh Mhapne, presently working as Chief Engineer-I (Water Supply) PWD, has filed an affidavit before us.

4. Para 6 of this affidavit reads as follows:

“6. I say that the water supply release timing for the Dona Paula area is as under:

SUPPLY RELEASED FROM TALEIGAO TANK

SR NO.	AREA WATER SUPPLY RELEASED	OPEN TIME	CLOSE TIME	TOTAL TIME SUPPLY
1	OITALEM SUPPLY (SHIV MANDIR):	4:00 am	5:45 am	1 hours 45 min

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2	ALTO NAGALI & PART VOILEM BHAT	4:00 am	5:45 am	1 hour 45 min
3	TALEIGAO SUPPLY: Amaral waddo, Durgawaddi, Cardoz waddo, Possrembhat, Vodlembhat, Borbhat, Dondrem, Zillalem morrod.	5:30 am	7:30 am	2 hours
4	OITALEM SUPPLY (MAHALAXMI TEMPLE):	6:00 am	8:00 am	2 hours
5	OCEAN PARK PHASE II:	10:00 am	12:00 pm	2 hours
6	MACHADO COVE:	10:00 am	12:00 pm	2 hours
7	VAINGUNIM VALLY:	10:00 am	12:00 pm	2 hours
8	OCEAN PARK, LA OCEANA:	9:30 am	12:00 pm	2 hour 30 min
9	NAGALI HILLS:	10:00 am	11:30 am	1 hour 30 min
10	SAGAR SOCIETY:	2:30 pm	4:00 pm	1 hour 30 min
11	LA MARVEL, JETTY, Part BAY VIEW:	4:00 pm	6:00 pm	2 hours
12	CACRA SUPPLY:	6:00 pm	7:45 pm	1 hour 45 min
13	CARANZALEM SUPPLY: Kerant, Piale morrod, Eugin morrod, Singbal morrod, Borchembhat, Naralim morrod, Kevnem, Nagali, Mitra bazaar, Dango.	6:30 pm	8:30 pm	2 hours
14	ODXEL SUPPLY:	8:30 pm	10:00 pm	1 hour 30 min
15	LAND SCAPE TOWN ODXEL	8:30 pm	10:00 pm	1 hour 30 min
16	SAGAR SOCIETY, Part BAY VIEW (HDPE LINE)	10:00 pm	11:15 pm	1 hour 15 min
17	GOA UNIVERSITY	11:00 pm	12:00 am	1 hour

SUPPLY RELEASED FROM NAGALIM TANK

AREA WATER SUPPLY RELEASED	TOTAL TIME SUPPLY
LA CITEDEL COLONY	Around 11:30 pm to 1:00 pm*
RAVIRAJ COLONY	Around 2:30 pm to 4:00 pm*
WHITE HOUSE	Around 6:00 pm to 7:15 pm*
DONAPAUULA (HAWAI BEACH)	Around 8:30 pm to 10:00 pm*
AIVAO 1	Around 5:30 pm to 7:00 pm*
AIVAO 2	Around 10:00 pm to 11:45 pm*
CIDADE DE GOA	Part valve open for Governor and Cidade Goa from 2:00 am to 4:00 am

Please note: * All above water supply timings may differ depending upon the water main line pressure/flow from Opa water works.”

5. Based on the above, it is now submitted that there would be some clarity regards water supply release timings. These timings will be sufficiently publicised so that there is no uncertainty about the same.

6. Regards the long-term solution, the statements in paras 8 and 9 of the affidavit are important, and the same are transcribed below for convenience of reference.

“8. I say that the total water carrying capacity of the said three Tanks referred to above is 22,50,000 liters which is perhaps sufficient to cater daily minimum requirement of areas which works out to be 19,00,800 liters and is as per norms of CPHEEO Manual. There are 3520 connections in the said area having 135 LPCD.

9. I say that now, to improve the overall water supply to Taleigao Constituency, an estimate has been proposed under the name of the work “Construction of 650 cum

OHR, 2000 cum Sump, Pump house at Taleigao and laying conveying main and distribution pipeline at various diameters for improvement of water supply to Done Paula and surrounding areas". The estimated cost of work is 14.06.53.287.00. Administrative approval has been accorded for the said estimate and the work is already tendered. The file is under process for obtaining Expenditure Sanction. Once the said scheme is taken up and commissioned the water supply to the said areas will be improved."

7. The problem of water supply is really acute in the months of April and May each year. Once the statements in paras 8 and 9 of the affidavit are complied with, this problem, at least to some extent, would possibly stand addressed.

8. Until the problem is resolved, the Chief Engineer has, on affidavit, indicated the water supply release timings in these areas so that the residents are at least ensured of such minimal water supply at the prescribed timings. We direct that these timings should be suitably publicised so that the residents can make arrangements to store water which is released during these timings of the day. This model of indicating the water release timings should be followed, as far as possible, in all areas that experience water supply shortages during the peak summer months. Limited water supply during these terms is understandable until long-term measures are adopted to augment water supply and build a robust

infrastructure. But there must be some predictability about the water release timings so that the people suffer less inconvenience and can suitably arrange their affairs.

9. The petition has raised several other issues concerning regular water supply over larger areas. Accordingly, we direct the Respondents to treat this petition as a representation, to consider the same, and to decide all issues raised in the petition, which includes issues like augmentation of water supply, replacement of old pipelines, etc. The decision must be communicated to the Learned Amicus Curiae within four months from today.

10. By accepting the Chief Engineer's statements and by directing the Respondents to at least consider the issues raised in the petition, we dispose of this petition.

11. We express our gratitude to Mr. Agni, learned Amicus Curiae, for his efforts and to the learned Advocate General for this fair approach in the matter.

12. All concerned to act on an authenticated order of this Court.

BHARAT P. DESHPANDE, J

M. S. SONAK, J