

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.41 OF 2009
WITH
MISC. CIVIL APPLICATION NO.582 OF 2023(F)
IN
WRIT PETITION NO.41 OF 2009**

Ribandar Chimbel Rakhon Samiti,
a Society registered under No.587/
Goa/2008, represented herein by its
Chairman, Mr. Luis D'Souza, having its
office at House No.E-9, Ribandar,
Manaswaddo, P.O. Ribander, Ilhas, Goa. **...Petitioners**

Versus

1. State of Goa, through the Chief Secretary, Government of Goa, having his office at Secretariat, Porvorim, Bardez, Goa.
2. The North Goa Planning and Development Authority, through its Members Secretary, having his office at Mala Link Road, Panaji.
3. The Chief Town Planner, Government of Goa having his office at Dempo Towers, Patto Plaza, Panaji, Goa.
4. The Collector, North Goa District, having his office at, Panaji, Goa.
5. The Deputy Collector cum Sub Divisional Officer, Panaji Sub Division, having his office at Collector Building Panaji, Goa.
6. Mamlatdar of Tiswadi, having his office at Collector Building, Panaji, Goa.
7. Tree Officer cum Deputy Conservator of Forest, having his office at Forest Department, Junta House, Panaji, Goa.
8. Ground Water Officer cum Executive Engineer, Work Division-I, Water Resource Department having his office at Patto, Near Post Officer, Panaji, Goa.

9. Shri Raghuvir N. Karekar, F-1, First Floor, Fatima Chambers, A.D. Road, Panaji, Goa (Since Deceased) (deleted)
10. Army Welfare Housing Organization, through Lt. Col. Narendra Tyagi, its Project Director, Army Camp, Bambolim, Ilhas, Goa.
11. Shri Krishnaraj Naik Sukerkar, Director, Real Estate Goa Pvt. Ltd. Havin his office at Sukerkar Mansion, M.G. Road, Panaji, Goa.
12. The Commissioner, Corporation City of Panaji, having its office at Panaji, Goa.
13. The Village Panchayat of Chimbhel, through the Secretary, having his office at Chimber, Ilhas, Goa.
14. M/s. T.R. Constructions, through Mr Tony Rodrigues, having office at F-1, First Floor, Fatima Chambers, A.B. Road, Road, Goa.
15. Shri Devendra K. Sardesai, Resident of CAF-9, 'SHARANG', Fourth Floor, CAMPAL Trade Centre, Campal, Panaji- Goa. ... Respondents
(Amendment carried out as per order dated 23/11/2011 in MCA No.1009/2011)

Mr A.D. Bhobe, Amicus Curiae.

Mr S. Malik holding for Mr Nigel Da Costa Frias, Advocate for the Petitioner.

Mr Pravin Faldessai, Additional Government Advocate for Respondent Nos. 1 to 8.

Mr P. Sawant, Advocate for Respondent No.10.

Mr H.D. Naik with Mr A. Naik, Advocate for Respondent No.11.

Mr A. Gosavi with Mr Guruprasad Naik and Ms Krupa Naik, Advocates for Applicant in MCA No.582 of 2003.

Mr Amir Jamadar, Advocate for Respondent No.12.

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

DATED: 16th JUNE, 2023

ORAL JUDGMENT: (Per BHARAT P. DESHPANDE, J.)

1. The petitioners are resident of Ribandar and Chimbel localities preferred the present petition on ground that the statutory authorities along with the government are permitting disproportionate development by allowing construction of high-rise buildings, thereby ignoring non-availability of requisite infrastructure facilities such as water, electricity, sewage, garbage system in Ribandar and Chimbel areas. It is their contention that some of the residents/ builders/ developers are allowed to carry out construction work permitting hill cutting activity, extraction of groundwater, cutting of old trees without any proper planning for plantation of new trees and without having adequate facilities. The effect of such indiscriminate development and construction activities in such areas poses a serious threat and will cause great and irreparable prejudice to the residents of the said area as well as the ecosystem. By cutting trees, there is danger of denuding the forest cover and by extracting groundwater there is danger to the ecosystem. It is their contention that such development is repeatedly coming up without the facility of sewerage lines or garbage disposal. The builders are constructing soak pits and septic tanks thereby polluting the

groundwater, rivulets, the well and ultimately the river. There is no sewage treatment plant to process such sewage water and entire sewage goes into the soak pits and septic tanks. It is their contention that there is no adequate electric supply, water connections, other infrastructure facilities though under the Town and Country Planning Act, 1974, Planning Authority is duty bound to consider such facilities before grant of development permission.

2. The prayers in the petition reads thus:

(I) That the Hon'ble Court may pleased to issue a Writ of Mandamus, or any writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction, directing and commanding the Respondent Authorities, to take into consideration all necessary aspects of planning, before any permissions are granted for construction/development, and to ensure that the development is such that it can be sustained by the infrastructure and facilities, that can sustain such construction/development available the place where such construction/development is sought to be carried out;

(II) That the Hon'ble Court may pleased to issue any appropriate writ, order or direction, directing and commanding the Respondent Authorities, not to permit any construction to begin and to proceed till the Respondent Authorities have ensured that the infrastructure and facilities that is adequate to sustain such development, and/or till such time as adequate infrastructure and facilities, are provided at the place where such development/ construction is sought to carried out, to sustain such development.

(III) That the Hon'ble Court may pleased to issue a writ of Mandamus, or a writ, order or direction in the nature of mandamus or any other appropriate writ or direction or order directing and commanding the Respondent Authorities to inquire and/or investigate into all the irregularities and illegalities conducted by the Respondent

Nos. 14, 10 and 11, and to take appropriate action in this regard, against them.

[IV] That the Hon'ble Court may please to issue a appropriate writ, order or direction restraining the Respondent No. 14, 10 and 11, from proceeding with the construction of the building being erected by them in Chalta No.40, 41 and 2 of P.T. Sheet No.14 of Panaji City, Survey No.30/1-B of Chimbél Village of Tiswadi Taluka, and Survey No. 30/1 of Chimbél Village respectively, till such time as adequate infrastructure and facilities that can sustain such development are put in provided and put in place.

(V) That pending the hearing and final disposal of the Petition the Hon'ble Court, may be pleased to grant interim reliefs in terms of an order:

(i) restraining the Respondent No. 14, 10 and 11, from proceeding with the construction of the building being erected by them in Chalta No. 40, 41 and 2 of P.T. Sheet No. 14 of Panaji City, Survey No. 30/1-B of Chimbél Village of Tiswadi Taluka, and Survey No. 30/1 of Chimbél Village respectively.

(ii) restraining the Respondent Authorities from further permissions for construction/development without first ensuring that adequate infrastructure and facilities that can sustain such development is available the place where such construction/ development is sought to be carried out;

[VI] For ex-parte ad interim relief in term of prayer (V) above.

[VII] For any other Order as may be deemed just and proper in the fact and circumstances of the case.

3. Notices were issued to respondents who appeared and filed their responses.

4. Vide order dated 04/03/2020, the coordinate Bench has passed the following order:

“Heard. Affidavit on behalf of respondents and additional affidavit on behalf of respondents no.10 are taken on record.

2. This writ petition is being argued since 6/02/2009. The petitioner has made three of the developers i.e. respondents no. 9, 10 & 11 as party respondents. In short, the contention of the petitioner is that prior to sanctioning of any housing project, the concerned authorities ought to have considered availabilities of infrastructural facilities in a small village like Chimbel. It was contended on behalf of the petitioner that if the ongoing housing projects are allowed to develop there would be acute water shortage and the same would be detrimental to the interest of the residents of the village. There would be pressure on the existing infrastructural facilities. It was further contended that the village panchayat, in absence of there being any garbage disposal plan, adequate water supply pipe lines, water storage capacity and other amenities, has issued 'No objection Certificate' to various developers. It was contended that there has to be unified regulatory authority and policy to control these developmental activities. Affidavit in reply is filed by respondents at various stages.

2. In brief, the submission of the learned Senior Counsel Shri Nadkarni is that the petitioner has approached the Court at a belated stage when the projects undertaken by the respondents were already completed. Preliminary objections are raised to the maintainability of this petition. It was pointed out that apart from respondents no.11 & 14, there are various other developers who are constructing their projects, but for the reasons best known to the petitioner, they are not made parties to this petition. The Counsel submitted that development activities cannot be stopped for the reasons stated by the petitioner in this petition. The developer after obtaining 'No Objection Certificate' from the competent authority had executed the projects and, therefore, they be permitted to go ahead with the project which is practically at final stage.

3. The learned Counsel appearing for respondent no.10 had also raised some concern and submitted that the water resources should be augmented by the authorities in near future.

4. The learned Counsel appearing for Panchayat had made a statement on 23/02/2010, to the effect that there is no application pending with the Panchayat for claiming NOC by any developer.

5. Consequent to our directions, the learned Advocate General has placed on record affidavit filed by Mr. K.R. Shrikant, Executive Engineer, Div.III, PWD, today. The report briefly refers to the issue of water supply in respect of Real Estate Goa Pvt. Ltd., Army welfare housing organization & Karekar and others (Karekar Residency), as they were party respondents. It is gathered from the report that there is no distribution network available as on today to the projects namely Real Estate Goa Pvt. Ltd. and Army welfare housing organization. In respect of Karekar and others (Karekar Residency) it is mentioned that at present the Department cannot supply the required quantity of water to the said project. It is further mentioned in the report that in near future the water supply to the subject areas i.e. Ribandar and Chimbhel could be provided only after the augmentation of Opa water supply system. The learned Senior Counsel Shri Nadkarni, on instructions, submits that as on today their projects are not dependent on the water supply to be provided by the PWD of the State. They have also made arrangements in respect of rain water harvesting, garbage disposal and sewage treatment plants and other necessary amenities, which are part of the sanctioned project.

6. The learned Advocate General shared the concern of the villagers and submitted that the State has already taken up this issue and has framed draft regulations, namely Goa Land Development and Building Construction Regulations, 2008. Suggestions are invited from general public. It is informed that petitioner has also filed some suggestions to the authority concerned. According to the learned Advocate General, the State finds it necessary to have one noddle agency/regulatory authority for planned development of the State, more particularly, in respect of housing projects.

7. We have considered the submissions advanced by the learned Counsel for respective parties. Perused the relevant affidavits and reports. We find that considering the issue in broader perspective, the Government of Goa is proceeding to finalise draft regulations in this regard. Certainly, some time is required in finalisation of policy in respect of land development and building constructions vis-a-vis infrastructural facilities. We find finalisation of such policy document is necessary as according to the State it is PWD which looks after the issues, like water supply.

8. In the light of the material placed on record, we direct the village panchayat, Chimbhel, not to process any application for

seeking NOC for development or execution of housing, commercial, residential projects of more than 10 tenements, until further orders from this Court. All the issues raised by contesting respondents are kept open.

10. The learned Counsel Shri Diniz appearing for the Corporation of City of Panaji submitted that water supply is looked after by PWD and the corporation, as a legal authority, granted permission to construct residential houses, in view of the other infrastructural facilities being available.

9. Rule. Respective parties wave service of rule.”

5. Heard Mr A.D. Bhobe, learned Amicus Curiae, Mr S. Malik holding for Mr Nigel Da Costa Frias, learned Counsel for the petitioner, Mr Pravin Faldessai, learned Additional Government advocate for Respondent Nos. 1 to 8, Mr P. Sawant, learned Counsel for respondent No.10, Mr H.D. Naik with Mr A. Naik, learned Counsel for respondent No.11, Mr A. Gosavi with Mr Guruprasad Naik and Ms Krupa Naik, learned Counsel for applicant in MCA No.582 of 2003 and Mr Amir Jamadar, learned Counsel for Respondent No.12.

6. From time to time orders were passed by the coordinate Benches and finally on 16/12/2022 following order was passed:

“1. This petition in Public Interest Litigation raises issues in regard to non-availability of infrastructure facilities in regard to new developments and more particularly, insufficient supply of water at Ribandar and Chimbel areas.

2. On 2 December 2022, we had passed an order directing concerned authorities namely North Goa Planning and Development Authority (respondent no. 2), Town and Country Planning Department (respondent no. 3), Corporation of the City of Panaji (respondent no. 12), Village Panchayat of Chimbel (respondent no. 13), the Executive Engineer, Sub-Division I, Division-III (PHE-N), PWD, Panaji as also, the State Government to place on record an affidavit within two weeks from today stating as to whether these areas,

where development is to take place, for which, permissions are being granted have the availability of basic infrastructure facilities as per rules as noted by us above. We had categorically directed that no extension of time to file an affidavit shall be granted. Accordingly on such a backdrop, the matter was listed today for further hearing.

3. We find that pursuance of our directions an affidavit of Mr. Nivruti Parsekar, Engineer Engineer, WD II (Water Supply), St. Inez, Panaji Goa has been placed on record. Also there is an affidavit of respondent no.12 Agnelo Fernandes, Commissioner of the Corporation of City of Panaji and compliance affidavit of Mr. Rajesh Naik, Chief Town Planner (Planning). The Village Panchayat of Chimbhel has failed to place an affidavit on record as directed.

4. We have perused these affidavits.

5. The issues as raised in the petition ought not to be confined to Ribandar and Chimbhel. We are thus of the opinion that scope of this petition needs to be expanded in so far as basic infrastructure facilities and more particularly in regard to availability of sewage line and sewage treatment plants across the State of Goa is of paramount importance, more particularly from what has been stated in para 6 of the affidavit by Mr. Rajesh Naik, Chief Town Planner (Planning) which is required to be noted which reads thus:-

“6. The Sewerage System in Goa is very limited and in very limited areas of towns like Panaji, Margao and Vasco-Da-Gama and the same is being undertaken in other parts of State. Almost every project and construction is making their own arrangement in the form of septic tank and soak pit/sewage treatment plant, wherever system is not available.”

6. We have requested the learned Advocate General to assist the Court in further adjudication of the present proceedings as issues which are involved are vital issues and which would have a long term adverse effect, if the same are not attended at the appropriate time. This petition is of the year 2009. Admittedly about 13 years have passed. Petitioner has brought to our notice some important issues although in regard to Ribandar and Chimbhel, however in the light of the rapid development in the other areas in the State of Goa in position is not different.

7. We are also surprised to note the office memorandum, dated 15.12.2020 annexed as annexure "A" and Agnelo J. Fernandes Commissioner of the Corporation of the City of Panaji wherein Director of Urban Development in the department of Urban Development (Municipal administration) has issued a office memorandum granting a waiver of notice from Health Department, Electricity Department, Public Works Department (Water Supply Division) for issuance of construction licence and occupancy certificates for a single dwelling units by the Municipal Corporation/Council. We need to note the said office memorandum which reads thus:-

No.1/2015/DMA/Bldg Permit/4427

Date:15/12/2020

OFFICE MEMORANDUM

Sub: - Waiver of NOC's from Health Department, Electricity Department and Public Works Department (Water Supply Division) for issuance of construction license-and occupancy certificate for a single dwelling unit by the Municipal Corporation/Council

It has been informed that a lot of hardship is faced by the people at large in obtaining NOCs from Health Department; Electricity Department and Public Works Department (Water Supply Division) while obtaining construction licenses and occupancy certificates from the Municipal Corporation/Council. Also, there is a considerable delay in processing of the applications for construction licenses and occupancy certificates since the NOCs from above mentioned departments are not produced.

Therefore, in view of the above and in order to facilitate the Ease of Doing Business in obtaining construction licenses and occupancy certificates from the Municipal Corporation/Councils, the Commissioner CCP and Chief Officers of all the Municipal Councils are hereby directed to waive off the requirement and not insist for NOC's from Health Department, Electricity Department and Public Works Department (Water Supply Division) while issuing Construction licenses and occupancy certificates for single dwelling units only.

It is also directed that the Commissioner, CCP and Chief Officers of all the Municipal Councils shall confirm to this office in writing that the contents of this Office Memorandum have been read and brought to the notice of all the Municipal Engineers working under the respective ULBs and obtain a certificate from these Municipal Engineers that the instruction of this Office Memorandum shall be implemented

& complied with and in case of non compliance then they shall be liable for disciplinary action.

This is issued with the approval of the Government.

Sd/-

(Dr. Tariq Thomas, IAS)

Director, Urban Development

8. As to whether the Director of Urban Development could have any authority to waive the statutory requirements which are mandatory requirements to be complied by the present proponent and/or those seeking licence and occupancy certificate is also an issue which is required to be addressed by the State Government. If such is the situation as to what is effect having the building laws and the provision made thereunder, is another issue which is required to be considered by the Court.

9. On the aforesaid conspectus, we direct the State Government to file a comprehensive affidavit to place on record the position in respect of urban areas and other areas in regard to availability of the basic infrastructure facilities and more particularly, planning and the implementation in regard to the sewage line and sewage treatment plants, as also availability of the water resources electricity etc. Let the same be provided in tabular form apart from averments made in the affidavits.

10. Let the affidavit be served well in advance on the petitioner.

11. We appoint Mr. A. D. Bhobe, Advocate of this Court as Amicus to assist the Court. Let the affidavit as directed be placed on record before 9 January 2023. List the proceedings for further hearing on 13 January 2023.

12. Office is directed to provide a paper book of proceedings alongwith all orders to Mr.Ashwin D. Bhobe.”

7. By this order, the scope of this petition was extended insofar as basic infrastructure facilities and more particularly in regard to

availability of sewerage line and sewage treatment plant across the State of Goa as such facility is of paramount importance.

8. We are aware that there is another petition pending with the coordinate Bench of this Court which deals with a sewage treatment plant at Porvorim. However, since specific directions were issued to the concerned authorities and Mr A.D. Bhobe was appointed as Amicus Curiae to help the Court, we have heard the parties and the learned counsel appearing for the respective parties and with consent we propose to dispose of the present petition at this stage itself.

9. Mr Bhobe learned Amicus Curiae has submitted a chart today which is taken on record and marked "X" for identification.

10. As per the above chart, it has been pointed out that the affidavits of NGPDA, Commissioner of the Corporation of City of Panaji as well as that of Chief Town Planner (Planning) together with affidavit of the Village Panchayat of Chimbhel are already considered and placed on record. It is admitted fact that sewer network and treatment plant is not available for the residents of Chimbhel and Ribandar. However, the nearest plant is at Panaji. The chart submitted by the Amicus with regard to completed STP's and sewer network is as under:

**Sewerage Department
Completed STP'S and Sewer Networks – 63.50 MLD**

SR NO	Existing STP with Capacity	Connections done	Area & Population Benefitted	Distance
1.	12.5 MLD Tonca Panaji	2051 Domestic and 5 public places	Panaji City 85,000 Population	48 Kms
2.	15 MLD Tonca Panaji	91 sewer connections	Panaji Suburbs and Taliegao 5,200 population	40 Kms laid and 4 Kms commissioned
3.	20 MLD At Shirvodem Margao	5512 Sewer connections	Central and South Margao, Shirvodem, Rumdamol, Davorlim, Aquem and Talaulim, Sequetim 103239 Population	140 Kms laid in Fatorda, Margao and Navelim
4.	6.70 MLD Shirvodem Margao	Along with the connections done at serial No. 3	North Margao, Fatorda, Comba	Along with serial No. 3
5.	20 MLD Katem Baina Vasco	4204 Sewer Connections	Murmogao, Vasco City, New Vaddem (part), Chicalim (part), Vaddem, Mundvel, Mangor Hill 103239 Population	47 Kms Sewer network
6.	1.35 MLD Goa Medical College, Bambolim	Goa Medical College, Bambolim	Benefitting GMC Complex	Entire Premises of GMC
7.	0.8 MLD Sanquelim	135 Sewer Connections laid	3 Wards of Saquelim Municipal Council	3 kms Sewer Network laid in 3 wards of Saquelim

			675 Population	
8.	1 MLD Durbhat	172 houses connected	Durbhat Village 1250 Population	Entire Durbhat Village
9.	1 MLD Sancaole	Entire area of Zuarinagar	Zuarinagar, Sancaole	Nallah passing through slum area of Sancaole is connected
10.	2 MLD Patto - Panaji	All connections are done	Patto, Mala, Fontainhas	4 Kms network laid and commissioned

11. The learned Amicus has also provided the details of under construction STPs and sewer networks. The said chart is as under:

**Under Construction STP'S and Sewer Networks under Execution- 63.50
MLD**

SR. NO.	Name of Sewerage Scheme	STP Capacity in MLD	Status of STP	Area Covered	Distance
1	Sewerage Scheme for Calangute and Baga	5.6 MLD Baga	STP is completed	Calangute, Baga	30.96 Kms laid. Release in progress
2	Sewerage Scheme for Mapusa	5.4 MLD Mapusa	STP is completed	Mapusa City	38.20 Kms laid. Release in progress
3	Sewerage Scheme for Ponda Kavelem	15 MLD Kavelem	STP is commissioned	Ponda Municipal area Kavelem (part)	58 Kms laid out of 58.35 Kms
4	Sewerage Scheme for Colva- South Coastal Belt -1	7.50 MLD Colva	Under Construction	Colva Village, Gaundalim, Vanelim , Sernabatim	22 Kms laid out of 25 Kms
5	Sewerage Scheme for Porvorim	20 MLD Porvorim	Under Construction	Porvorim Plateau Area	43 Kms out of 47 Kms

12. The learned Amicus further gave details of proposed STP's and sewer network under execution which is as under:

Proposed STP'S and Sewer networks under Execution- 30.50 MLD

SR. NO.	Name of Sewerage Scheme	STP Capacity in MLD	Status of STP	Area Covered	Distance
1.	Sewerage Scheme for Curti, Kavelem (part), Bandora	8 MLD Curti and 15 MLD Bandora (23 MLD)	Yet to start	Curti (part) Kavelem and Bandora Village	46.54 Kms laid out of 51.65 Kms
2.	Sewerage Scheme for Curchorem	7.50 MLD Curchorem	Yet to start	Curchorem Municipal area and surroundings	22 Kms Laid out of 32 Kms

13. As far as the supply of electricity is concerned, the learned Amicus, on the basis of affidavits of the respective departments and documents, would submit that at present the requirement of electricity for the entire Goa is 750MW whereas present availability for the entire Goa is 1000MW. Therefore, according to him, there is no dearth or shortage of electricity supply to any area in Goa and more specifically to Ribandar , Chimbel areas as tried to be projected. In this respect, he further pointed out that the requirement at the peak hours for Ribandar is 12.5 MVA on 11KV is approximately 0.8MVA whereas present availability is 30MVA (against feeder capacity of 3.8MVA). Similarly, he pointed out that for Chimbel the requirement is 0.8MVA against the federal capacity of 3.8MVA. Chart submitted by the learned Amicus for electricity supply is as under:

Electricity Department			
SR NO.	Requirement	Present Availability	Area
1	750 MW	1000MW	Goa
2	12.5 MVA	30 MVA	Ribandar

	(Peak Load – on 11KV is approximately 1.8 MVA) Balbharti feeder 0.8 MVA	(Against feeder capacity of 3.8 MVA) Against feeder capacity of 3.8 MVA	- Chimbel
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14. Thus, from the documents placed on record along with the submissions of Mr Bhobe, it would be clear that there is sufficient electricity available with the State of Goa which could be supplied on demand.

15. Mr Malik appearing for the petitioners would submit that most of the prayers in the present petition stand worked out as the Amicus has already furnished chart which shows that sufficient electricity, water supply is available and even the Government is serious about sewage line and treatment plant. The only concern expressed is that while granting permissions for development the Village Panchayat and TCP authorities should consider the availability of all the infrastructure so that there should not be burden on the facilitates by putting the respondents in jeopardy.

16. Initially, restraint was put on the Village Panchayat not to grant development licenses however as pointed out by the learned Amicus and also by Mr P. Faldessai, learned Additional Government Advocate that the Government is serious in looking after compliance of all the rules and regulations before granting such permission.

17. Since the petition was filed in public interest, it is not possible for this Court to monitor each and every permission for development however it is duty of the concerned Village Panchayat and the Department of Town and Country Planning to scrupulously follow provisions of relevant Acts and Rules before granting development permissions. We hope in future the concerned Departments and the Panchayats would strictly follow the said Rules and Regulations before granting of any development permission.

18. MCA No.582 of 2023(F) was filed by one of the developer praying to modify the order dated 04/03/2010. We have heard the learned Counsel for the respective parties and after considering the submissions made by the learned Amicus as discussed earlier, we are satisfied that the Government along with local authority and the respective departments are serious enough to put in place all the facilities before grant of development permissions. The Village Panchayat of Chimbhel was restrained from issuing licenses or to process any application for NOC for development in respect of housing, commercial, residential projects of more than 10 tenements until further orders. We are aware that the area of Chimbhel and Ribandar, being close to Panaji city are fast developing. Since the facilities of supply of water and electricity are adequate, we expect that the Government will provide the facility of sewage line and treatment plant to these area so that the sewage generated from this area could be

processed. A chart submitted by the learned Amicus shows that the treatment plant at Tonca Panaji is having capacity of 15MLD and at present it is connected to only Panaji city, Taliegao and nearby areas. Mr Faldessai, learned Additional Government Advocate submits that such facility will be provided shortly to these areas which are near to Panaji city. With these submissions and assurances, we consider that most of the grievances raised by the petitioners in the present petition stand redressed. Accordingly we dispose of present petition with the fond hope that necessary infrastructure facilities with regard to sewage lines and treatment would be provided,

19. In the light of above submissions and the facts presented by learned Amicus, we vacate the order dated 04/03/2010 to the extent of restraining the Village Panchayat of Chimbhel from processing application with respect to residential/commercial projects having more than 10 tenements. Even by doing so, we expect that the Village Panchayat, Town and Country Planning Department and so also other Government Departments would follow the Rules and Regulations under the Town and Country Planning Act, Goa Panchayat Raj Act and decide such applications filed by the developers in according with law. Accordingly, we vacate the said restraint imposed vide order dated 04/03/2010. The Village Panchayat of Chimbhel is now free to decide issuance of NOC's but in accord with law.

20. Though we have referred in paragraph 8 about another petition pending before the coordinate Bench of this Court which specifically deals with sewage treatment plant at Porvorim, we have not expressed any opinion about such facility being provided at Porvorim as it is a subject matter of another petition. The decision in this Public Interest Litigation will no way affect the issues raised in the petition in connection with sewage treatment plan at Porvorim.

21. Rule is made absolute in the above terms. MCA stands disposed of accordingly.

BHARAT P. DESHPANDE, J.

M.S. KARNIK, J.