

Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

**Suo Motu Writ Petition No.2/2007
in
Miscellaneous Civil Application No.405/2012
with
Miscellaneous Civil Application No.2491/2021 (Filing)
with
Miscellaneous Civil Application No.393/2021 (Filing)
with
Stamp Number (Application) No.1642/2020 (Filing)
with
Miscellaneous Civil Application No.529/2023
with
Miscellaneous Civil Application No.594/2021 (Filing)
with
Miscellaneous Civil Application No.92/2024 (Filing)
with
Miscellaneous Civil Application No.568/2024 (Filing)
in
Suo Motu Writ Petition No.2/2007
with
Contempt Petition No.6/2024
in
Suo Motu Writ Petition No.2/2007
with
Miscellaneous Civil Application No.1535/2022 (Filing)
with
Miscellaneous Civil Application No.181/2024
with
Contempt Petition No.31/2010
in
Suo Motu Writ Petition No.2/2007
with
Miscellaneous Civil Application No.2135/2023 (Filing)
with
Miscellaneous Civil Application No.530/2023**

with
Miscellaneous Civil Application No.2677/2021 (Filing)
with
Miscellaneous Civil Application No.2278/2021 (Filing)
with
Miscellaneous Civil Application No.653/2023 (Filing)
with
Miscellaneous Civil Application No.1012/2022 (Filing)
in
Suo Motu Writ Petition No.2/2007
with
Miscellaneous Civil Application No.504/2024 (Filing)
in
Miscellaneous Civil Application No.2788/2023 (Filing)
with
Writ Petition No.9/2024
with
PIL Writ Petition No.20/2017
with
Contempt Petition No.43/2017
in
PIL Writ Petition No.4/2007
with
Writ Petition No.621/2022

...PETITIONER

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND ORS.,

...RESPONDENTS

Ms. Norma Alvares, Amicus Curiae through V.C. with Advocate
Ms. V. Josephine

Mr. Devidas J. Pangam, Advocate General with Mr. Pravin
Faldesai, Additional Government Advocate for Respondent-State
in SMWP No. 2/2007

Mr. Devidas J. Pangam, Advocate General with Mr. S.P. Munj, Additional Government Advocate for Respondent-GWMC

Mr. Devidas J. Pangam, Advocate General with Mr. Geetesh Shetye, Additional Government Advocate for Respondent-State in MCA.2491/2020.

Mr. Devidas J. Pangam, Advocate General with Ms Sapna Mordekar, Additional Government Advocate for Respondent-State in MCA.393/2021

Mr. Devidas J. Pangam, Advocate General with Mr. Neehal Vernekar, Additional Government Advocate for Respondent-State in STA 1642/2020 and MCA No. 1012/2022

Mr. Devidas J. Pangam, Advocate General with Ms. Simone Correia, Additional Government Advocate for Respondent-State in MCA No. 594/2021; and CP No. 43/2017. .

Mr Devidas J. Pangam, Advocate General with Ms Sulekha Kamat, Additional Government Advocate for Respondent-State in MCA No. 2677/2021 and in MCA No. 653/2023.

Mr Devidas J. Pangam, Advocate General with Ms Akshata Bhat, Additional Government Advocate for Respondent-State in WP. 9/2024.

Mr Devidas J. Pangam, Advocate General with Mr Manish Salkar, Government Advocate for Respondent-State in WP No. 621/2022.

Mr Devidas J. Pangam, Advocate General with Mr. Shubham Priolkar, Additional Government Advocate for Respondent-State in. PILWP 20/2017

Mr Devidas J. Pangam, Advocate General with Ms S. Linhares, Additional Government Advocate for Respondent-State in PILWP.4/2007

Mr Devidas J. Pangam, Advocate General with Mr. Vishwad Sardessai, Additional Government Advocates for Respondent-State in MCA.568/2024

Mr. Pavithran A.V. with Mr. P. Kholkar, Advocates for Respondent No. 2-GSPCB.

Mr. Dhaval Zaveri, Advocate for Respondent Nos. 8, 9, 12, 16, 17, 19 and 47 and Advocate for Village Panchayat of Aldona.

Ms. Annelise Fernandes, Advocates for Respondents No. 11, 15 in SMWP No.2 of 2007, Respondents No. 1 and 2 in CP No.43 of 2017, PILWP No.4 of 2007, Respondent No.2 in PILWP No.20 of 2017, V.P. of Mercedes, V.P. of Amona, Corporation City of Panaji, Quepem Municipal Council, Curchorem, Cacora Municipal Council, Village Panchayat of Anjuna and for the SGPDA.

Mr S. D. Padiyar and Mr Prayash Shirodkar, Advocates for Respondent Nos. 8, 9, 12, 16, 17, 19 and 47 and for Village Panchayat of Bhati in Contempt Petition No. 6 of 2024.

Mr. Zeller D'Souza, Advocate for V.P., Assolna and for Respondents Nos. 33, 35, 36 and 38 and for Sarpanch and Secretary of Assolna Village Panchayat.

Mr. Chaitanya Padgaonkar with Ms. V. Mahato, Advocates for Respondent No. 9 and for the Petitioner in W.P. No. 9/2024

Mr. Byron Rodrigues, Advocate for the Applicants in MCA Nos. 393/2021 and 594/2021.

Mr. B. Oliveira, Advocate for Respondent No. 30 and for Village Panchayat of Cana-Benaulim.

Mr. B. Oliveira Advocate, holding for Mr R. Sahakari, Advocate for Village Panchayat of Nagqueri, Betul and Morpirla.

Mr. Vledson Braganza, Advocate for V.P. of Moira.

Mr. A. Sail, Advocate for Respondent No. 32 and 17 and for Village Panchayat Sangolda.

Mr. Akshay Naik, Advocate for Village Panchayat Socorro and Village Panchayat Assolda.

Mr. Pradosh Dangu, Advocate for Margao Wholesale Fish Market Association.

Ms S. Arabekar, Advocate for Respondent No. 48.

CORAM:

**M.S. SONAK &
A. G. GHAROTE, J.**

DATED:

20th MARCH 2024

P.C.

1. Mr. Zaveri, learned counsel for Village Panchayat Aldona states that the MRF facility is already provided. He states that the GSPCB has pointed out some shortcomings which will also be addressed within a week. The Panchayat and GSPCB to file a compliance report about the MRF facility being complete and operational by the next date.

2. Writ Petition No. 9/2024 will be considered on 01/04/2024 after full compliance is reported.

3. Mr Padiyar, learned counsel with Mr Prayash Shirodkar for the Village Panchayat of Bhati, files an affidavit in reply on behalf of

the Sarpanch and Secretary/Gram Sevak of Village Panchayat of Bhati. Mr Padiyar explains that Panchayat has now taken steps to obtain clearances from the various authorities to set up an MRF facility within the village. He points out that this entire village falls within the eco-sensitive zone of the Netravali Wildlife Sanctuary. Therefore, without any clearances, it would not be appropriate to proceed to set up the MRF facility.

4. Mr Padiyar also submits that this Panchayat has now entered into an agreement dated 09.03.2024 with the neighbouring Kurdi Village Panchayat for using its MRF facility. The agreement is also placed on record. On instructions, Mr Padiyar also states that the solid waste from the Village Panchayat of Bhati will now be processed at the MRF facility set up by the Kurdi Village Panchayat.

5. Mr Padiyar submits that, in fact, this agreement was already in the process of being executed when this Court issued the contempt notice. He submitted that the counsel was not aware of the progress made and, therefore, could not point out to the Court that the agreement was in the process of being executed. For these reasons, Mr Padiyar submitted that the contempt notice may be

discharged and the amount of Rs.5,00,000/- which was ordered forfeited may be reinstated.

6. The learned Advocate General submits that the contempt notices may be discharged, but the amount of Rs.5,00,000/- deposited by the Panchayat may be retained in the Court as a security for the Panchayat ultimately setting up MRF facility in its Village after obtaining all the necessary permissions. Since we propose to extend the time for setting up the MRF facility within the jurisdictional limit of Village Panchayat of Bhati, it would be appropriate to retain this amount of Rs.5,00,000/- in the Court.

7. Accordingly, we discharge the contempt notices and recall the forfeiture order of Rs.5,00,000/-; however, the amount of Rs. Rs.5,00,000/- shall remain deposited in this Court (to be invested in a Nationalised Bank) until this Panchayat finally sorts out this issue of providing a proper MRF facility. The time limit is now extended by six months because it is expected that this Panchayat will follow up with matters of permissions, etc., and provide a proper MRF facility to take care of this village's solid waste management needs.

8. Mr. B. Oliveira, learned counsel appearing for the Village

Panchayat Cana Benaolim, states that this Panchayat has now provided an MRF facility, which is fully operational. He states that the Sarpanch has filed an affidavit to this effect.

9. Mr. Pavithran, learned counsel for the GSPCB, states that the GSPCB officials have inspected this facility, and the inspection report states that the same is operational.

10. Accordingly, the restraint on the issue of building permissions, etc., is now lifted. The Panchayat is at liberty to consider applications for the grant of building permissions, etc., and dispose of them in accordance with law.

11. This Court has received a complaint from some of the residents of Village Panchayat of Uccasaim, Bardez-Goa, about the non-implementation of our orders, including the provision and proper operation of the MRF facility in the village. Accordingly, we request that the GSPCB inspect the facility as soon as possible and apprise us of the status of compliance.

12. We post this matter for further consideration on 01.04.2024.

AVINASH G. GHAROTE, J.

M.S. SONAK, J.