



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.156 OF 2025

1. Smt. Rajeshree R. Parvatkar
Aged 69 years,
R/o. House No. 268/2,
Manshe Bhat, Haliwada, Penha De Franca,
Britona, Bardez Goa.

2. Shri. Nilesh Medhekar
Aged 55 years,
R/o. House No. 267,
Manshe Bhat, Haliwada,
Penha De Franca, Britona,
Bardez Goa.

3. Smt. Shanti Medhekar
Aged 67 years,
R/o. House No. 267,
Manshe Bhat, Haliwada,
Penha De Franca, Britona,
Bardez Goa.

4. Smt. Shruti Vinod Bhonsle
Aged 40 years,
R/o. House No. 268/B,
Manshe Bhat, Haliwada,
Penha De Franca,
Britona, Bardez Goa.

5. Shri. Sachin D. Kalokhe
Aged 46 years,
R/o. House No. 268,

Manshe Bhat, Haliwada,
Penha De Franca,
Britona, Bardez. Goa.

...PETITIONERS

Versus

1. State of Goa
Through Chief Secretary,
Porvorim Goa.

2. Goa State Pollution Control Board
Through its Member Secretary,
Saligao-Goa.

3. The Secretary
Village Panchayat Penha -De-Franca,
Britona, Goa.

4. The Director
Directorate of Panchayats,
Patto Centre, Panaji, Goa.

5. The Police Inspector
Porvorim Police Station,
Porvirim Goa.

6. The Block Development officer-I
Office of the Block Development Officer,
Mapusa Bardez Goa.

7. M/s. Goatech Engineering Services
Through its proprietor Shri. Pandurang N. Chatim
Survey No. 14/2, Haliwada,
Penha-De-Franca, Bardez Goa.

8. Shri. Pandurang N. Chatim
Major in age
Residing at House No.429,
Virlosa, Penha de Franca, Near Church,
Bardez Goa.

9. Shri. Narendra Chatim
Major in age, Residing at
House No.429,
Virlosa, Penha de Franca,
Near Church, Bardez Goa.

...RESPONDENTS

Ms. Apeksha Kalokhe, Advocate for the Petitioners.

Mr. Suhas Parab, Additional Government Advocate for respondent
no. 1, 4, 5 and 6.

Mr. Manish Salkar, Government Advocate for respondent no. 2.

Mr. Pravin Faldessai, Advocate for respondent no. 3.

Mr. Chaitanya Padgaonkar and Ms. Vaishali Mahato, Advocates for
Respondent No. 9.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 10th July 2025

ORAI JUDGMENT (Per Bharati Dangre)

1. Rule. Heard finally by consent of parties.
2. The petitioner being aggrieved by the activity carried out by
respondent no. 9, which according to her is an illegal activity since
it is not an authorised activity in a residential zone and similarly, is

not even compliant with the permission granted by the Pollution Control Board, seeks necessary directions for the same to be stopped. The petition seeks issuance of writ of mandamus to command the respondent nos. 2 and 3 to stop the activity of respondent no. 9 and also to revoke/cancel the requisite permissions granted to operate the engineering workshop in the residential area.

3. On previous dates, we have heard the counsel for the petitioner, who has pointed out her objections regarding the establishment of workshop in Survey No. 14/02 of Village Penha De Franca, and it is her submission that she had made several complaints to various authorities including the Block Development Officer, for stopping the unauthorised activity which is causing pollution and has referred to the unit of the respondent no. 7- Goatech Engineering Services, as a fabrication unit stating that there are children in the house, who are facing high health risks, due to the hazardous activities being carried out in the workshop, apart from the high irritating noise emanating from the workshop, which has deprived the residents of the locality of rest and sleep, even during day time. She also lodged a complaint to the Goa State

Pollution Control Board, Panaji, Goa, concerning the functioning of the unauthorised engineering workshop in the residential area.

Since no cognizance was taken of her grievances, she has approached this Court.

4. It is her specific contention that when the permission to operate was granted in favour of respondent no. 9, it categorically stated that the Unit can operate only for a period of one year and thereafter, it would be required to shifted to an industrial estate from the date of issuance of the consent.

5. At the outset, it is relevant to ascertain as to what is the precise nature of activity that is carried out in the workshop run by respondent no. 9. Various documents placed on record by petitioner, gives an idea of the nature of activity that is undertaken by the respondent no. 9. The permission granted on 24.03.2015 in favour of respondent no.9 by categorising it as Micro One Manufacturing Unit, the nature of activity to be carried out was described as “Lathe Works” with a capacity of 1000 kgs. The Directorate of Industries, Trade and Commerce, issued permission in favour of respondent no. 9 for setting it up as an Micro Small

and Medium Enterprise (MSME), and the application specifically set out the nature of the activity i.e. “Lathe Works”.

6. The Goa State Pollution Control Board also granted its consent to operate on 08.06.2015 in favour of M/s Goatech Engineering as a Small Scale Industry under the ‘Green’ category. It also specified that the said consent to operate permitted manufacturing of “Light Engineering Work” with a production capacity of 3 kgs per month. The stipulations in the consent to operate also mentions “nil” discharge of industrial effluents and the daily discharge of domestic effluent shall not exceed 0.010 KLD. It also imposed a condition that the Unit shall have a septic tank and a soak pit, periodically for safe disposal of the waste on regular basis.

7. In addition there is also an Establishment License (Trade) granted in favour of respondent no. 9 granted on 04.05.2019, though it has wrongly mentioned that it is under Section 70 of the Goa Panchayat Raj Act, 1994, which infact ought to have been under Section 68, which deals with the power of the Panchayat to permit carrying out of the activity or factory and installation of

machinery, after obtaining requisite permission from the Panchayat.

8. In any case, we find that the respondent no. 9 is armed with the requisite permissions, before carrying out its activity. It is worth to note that during the operation of the said establishment, the Central Pollution Control Board, revised the classification of industrial sectors under Red, Orange, Green and White categories, by prescribing the criteria categorisation under Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981. The State of Goa adopted this this revised regulations w.e.f. 23/12/2021.

As per the revised regulations, the categorisation is based on the rate of pollution index. All industrial sectors having pollution index score upto 20 fall under 'White' category, whereas the industrial sectors having the maximum pollution index score of 60 and above, are categorised as 'Red' category. Industrial sectors with pollution index score of 21 to 40 fall under 'Green' category and it is pertinent to note that when the permission was granted in favour of the respondent no. 9, it was in 'Green' category.

The newly introduced 'White' category industries, are those industrial sectors which are practically non-polluting like the biscuit trays from rolled PVC sheets, cotton and woollen hosiers, electric lamp (Bulb) and CFL manufacturing by assembling only, as well as the scientific and mathematical instruments manufacturing solar power generation and mini hydric power etc.

9. Mr. Salkar, learned counsel for the Goa State Pollution Control Board on the last date of hearing informed us that the establishment of the respondent no. 9 has been categorised as 'White' category i.e. minimal pollution level. According to us, neither the Court, nor the petitioner possesses the necessary expertise to raise a challenge to this categorisation, as we find that the State Pollution Control Board, being an expert body in this regard, has categorised the industry depending upon the level of pollution it causes. Therefore, we need not interfere into the categorisation/classification of the industrial sectors.

10. As regards the grievance of the petitioner that setting up of such unit is also prohibited under the Goa Land Development and Building Construction Regulations, 2010, and she would invite our

attention to regulation No. 6A.2.1 as regards the uses prohibited in the residential zones including S1 to S4 and SPR i.e. Special Residential Zone, which has set out certain nature of activities which include fabrication, assembly workshops, automobile workshops, warehousing, as well as the light engineering activities involving noise making machinery as prohibited activities in these zones. However, clause 6A.3 categorically stipulates that all uses which are not specifically prohibited or not covered in the category of uses with restrictions, as per regulation, shall be permitted. As far as the activity undertaken by the petitioner is concerned, for which he has been granted consent to operate as well as permission from the Village Panchayat, which is an activity in form of a “Lathe Workshop”, is an activity where the use of one or more lathe machines, the activity of shaping, cutting and finishing material like metal, wood or plastic by rotating a work piece against a stationary cutting tool would be carried out. Essentially the workshop is dedicated to the process performed by a “lathe”, (machine) including turning, facing, drilling and more to create different and distinct shapes. The machine is versatile machine tool that rotates a workpiece on its axis while cutting and shaping it.

It may be true that in the whole process it creates some noise but unless and until, the noise levels are measured and they are found to exceed the prescribed limits under the Noise Pollution (Regulation and Control) Rules, 2000, the petitioner can have no reason to complain.

11. In the wake of the aforesaid, we are of the clear view that as far as the activity of 'lathe work' for which the permission is granted, by itself is not violative of the Goa Land Development and Building Construction Regulations, 2010 and even the Pollution Control Board did not find it to be causing pollution, and therefore, have categorised it into 'White' category.

12. As far as the grievance of the petitioner about the noise pollution, since none of the authority has have examined the noise level that is created by operation of the machine in decibels and ascertain whether it falls within the prohibited limits, we permit the petitioner to make an appropriate representation to the Competent Authority under the Noise Pollution (Regulation and Control Rules, 2000, who shall redress the grievance of the petitioner, by taking appropriate steps.

13. In the wake of the above, since we do not find merit and substance in the petition, 'Rule' is discharged.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.