



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 15 OF 2011

THE COLVA CIVIL AND
CONSUMER FORUM THROUGH
ITS SECRETARY MRS JUDITH B.
ALMEIDAPetitioner.

Versus

THE STATE OF GOA THROUGH
ITS CHIEF SECRETARY AND 42
ORS.Respondents

Ms Sonadevi Nishad and Mr Vineet Surlekar, Advocates for the petitioner.

Mr Manish Salkar, Advocate for respondent no.2 through VC.

Mr Prashil Arolkar, Addl. Govt. Advocate for the respondent nos. 1, 4 to 11.

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

Date: 4th August 2025.

P.C.

1. PIL petition filed in the year 2011 made a grievance in respect of various hotels, restaurants and beach sacks on Colva beach, which were found indulging in throwing their waste into

the sea or of connecting the drains to the sea, particularly at an area, which was a creek stretching over a kilometer before meeting the sea.

The petitioner made a serious grievance about clogging the creek with garbage and waste material, including the plastic raw wastage, waste water, etc and particularly by various hotels/restaurants located on the beach, destroying its pristine beauty and causing water pollution.

The petition therefore prayed for writ of mandamus against the Goa State Pollution Control Board, as well as commanding them i.e.Village Panchayat of Colva, Vanelim, Sernabatim and Gaundalim to take immediate action against those restaurants, hotels, retreats, shacks, causing pollution. A larger relief was sought in form of issuance of writ of mandamus for revoking and canceling all licenses and permits granted to these establishments which were run on commercial basis, and which were found to be the cause for pollution.

2. Upon the cognizance of the petition being taken, right in the year 2011, when notices were issued, various orders were passed from time to time and this definitely involved the Pollution Control Board as well as the Village Panchayats.

3. When the PIL Petition filed in the year 2011, many affidavits /counter affidavits or compliance reports filed from time to time at the end of the respondents, as well as the petitioners pointing out that there is no compliance in letter and spirit of the directions issued by the court.

4. The last affidavit filed by Dr. Sharmila Monterio, the Member Secretary of the Goa State Pollution Control Board, Saligao, on behalf of the Pollution Control Board has highlighted the efforts taken by the Board to deal with the menace, and in continuation of various orders passed from time to time by this Court, stating out the efforts taken to operationalize the public toilets at the Colva beach and to ensure that the sewage from the toilets is treated at a dedicated STP.

In pursuance of the High Court order, it is also stated that show cause notice is issued to the WRD department to ensure that no raw sewage is discharged in Colva creek and other unauthorised places and even show cause notices are stated to be issued in respect of the entities who had obtained valid consent to operate without complying with provisions of law.

5. The aforesaid affidavit filed on 03.09.2024 is accompanied with the inspection report as a part of compliance of the directions issued by this Court and which has categorically reported that the

STP is made operational for treatment of sewage generated from the toilet blocks and it is also categorically stated that the treated water is being put to use.

6. The inspection report also specifically note as below.

“1. The STP was operational during inspection.

2. The flowmeter for the treated water outlet was installed.

3. The treated water shall be utilized for gardening purpose.

4. The operator shall be directed to explore alternative arrangements to utilize the excess treated water.

5. The operator is directed to ensure that no raw sewage is being disposed off at an unauthorized case.”

7. In addition, we have also noted the status report of the hotels of the resorts of the restaurant/ commercial establishments in Colva, Vanelim, Sernabatim and Gaundalim with reference to 43 such establishments, which has a reference in respect of the letters issued to the unit to apply for the sewer connection, and the current mode of sewage disposal.

The learned Counsel, Mr Salkar representing the Board categorically state that the hotels were inspected in light of the suggestions by the petitioners and the report has covered almost

all commercial establishments on the Colva Beach. However, very categorically he make a statement that, in case if the petitioners have any grievance in respect of any other entity, they are at liberty to correspond with the Pollution Control Board, whereafter action shall be immediately initiated against the said structure.

8. In the wake of aforesaid, since we are satisfied that all necessary steps have been taken by the Goa Pollution Control Board to take care of the grievances raised in the petition, which is filed more than a decade back and the follow-up has been done from time to time through the Public Interest Litigation, we deem it appropriate to dispose of the petition, expressing our satisfaction over the steps that have been taken by the Pollution Control Board in this matter, to curve the menace of disposal of waste into the sea, and particularly the Colva Creek.

Leaving the liberty open to the petitioner to the aforesaid effect, we dispose of the Public Interest Litigation. No order as to costs.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.