



Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.736 OF 2023

Piolinho E. I. Barreto

... Petitioner

Versus

State of Goa thr. The Chief Secretary and 5
Ors.

...Respondents

Mr Kevin Braganza, Advocate for the Petitioner.

Mr Jeevan Bandekar, Advocate for Respondent No.5 and 6.

**Mr Siddharth Samant, Additional Government Advocate
for the Respondents no. 1, 3 and 4.**

Mr Ravi Anand, Advocate for Respondent no. 2.

**CORAM: ALOK ARADHE, C.J. &
M. S. SONAK, J.**

DATE: 13th March, 2025

1. Heard learned counsel for the parties. Learned Counsel for the parties agree that the Petition can be disposed of in the following terms:

'1. The Respondent No.5 and 6 have undertaken to remove all unauthorised extension/constructions more specifically the toilet and room in the basement as they are beyond the scope of approved plans already placed on record earlier at page No.64 by us. The said demolition shall be verified by the Municipal Engineer who shall submit a compliance report.

2. The Learned Advocate for Respondents 5 and 6 have also assured that the physical work of connection of the sewage lines from the building to the main sewage lines shall be completed within one month.

3. As per the notice dated 12.03.2025 issued by Respondent No.2 reflected at 7(a) sub clause (I) only two days are given to pay the sewage connection charges.

4. *Therefore, irrespective of whether they pay the fees or not Respondent No.2 would make the sewage connection operational and recover the cost from Respondent No.5 and 6.*

5. *The Respondent No.2 may be directed and submit a report to not just seal the septic tank but also fill it up with mud and rubble so it can never be used again.'*

2. Accordingly, we dispose of this Petition by accepting the undertaking given by Respondents No.5 and 6 through their Advocate within the timeline indicated above. The Respondents No.5 and 6 must comply the undertaking now tendered before this Court and file compliance with the Health Officer -Respondent No.3. In any event, the Respondent No.3 must inspect the site and if he finds that there is no compliance, then, the Respondent No.3 must himself abate the nuisance within a month therefrom and see that the sewage problem does not persist. The Health Officer will be at liberty to recover the cost from the Respondent No.5 and 6 in terms of the provisions of Public Health Act, 1985.

3. This Petition is disposed of in the above terms with no costs.

M. S. SONAK, J.

CHIEF JUSTICE