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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 781 OF 2024

DAVID D SOUZA ... Petitioner.

VS

THE STATE OF GOA THR. ITS
CHIEF SECRETARY AND 6 ORS. ... Respondents.

Mr D. Lawande, Mr S. Sawaikar an Mr C. Angle, Advocates
for the petitioner.

Ms S. Kamat, Addl. Govt. Advocate for respondent nos.1 2, 4
to 6.

Mr C. Padgaonkar and Ms V. Mahato, Advocates for
respondent no. 7.

Mr J. Godinho, Advocate for respondent no.3.

WITH
WRIT PETITION NO.299 OF 2025-FILING

ANTONIO AMBROSIO FERNANDES ... Petitioner.

VS

THE STATE OF GOA THR. THE
CHIEF SECRETARY AND 8 ORS. ... Respondents.

Mr C. Padgaonkar and Ms V. Mahato, Advocates for the
petitioner.

Mr S. P. Munj, Addl. Govt. Advocate for respondent nos.1 to 6.

Mr D. Lawande, Mr S. Sawaikar and Mr C. Angle, Advocates for respondent no. 9.

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

DATED :- 12th August, 2025

P.C.

1. The present petition is filed by the petitioner, alleging that the respondent no. 7 is illegally operating piggery on commercial scale without obtaining the requisite permissions, including permission from the Goa State Pollution Control Board (GSPCB). The premise on which the petition rests is, that no person is allowed to set up any industrial plant in the area without prior permission of the Board and without procuring such necessary permission, respondent no.7 has illegally established the piggery and is operating the same.

2. We have heard Mr Lawande, learned counsel representing the petitioner, Ms S. Kamat, learned Addl. Govt. Advocate representing the authorities, Mr J. Godinho,

learned counsel representing respondent no.3 and Mr Padgaonkar, learned counsel representing respondent no.7 and perused the orders passed by various authorities as well as the recent order passed by Goa State Pollution Control Board on 11.8.2025, which is placed before us by learned Addl. Govt. Advocate.

3. The first document to which our attention is invited is a notice issued by the Health Department of Government of Goa on 6.1.2023, pursuant to the complaint filed by Mr David D'Souza, on 13.12.2022 and it make a reference to the site inspection carried out on 5.1.2023 in the presence respondent no.7, the owner of the piggery Mr. Antonio Ambrosio Fernandes. The Inspection flagged the following flaws :

- a. Waste food found thrown everywhere outside piggery.
- b. Waste water/sullage, animal waste let out in the open pit.
- c. on demand of licence, not able to produce any license before Inspecting Authority.

Therefore, by invoking the powers vested under Section 40(1) of the Goa Public Health Act 1985, the notice was

issued to respondent no. 7 which directed thus:-

- “1. Abate the nuisance by taking such steps as may be necessary, within a period of 3 days with effect from receipt of this notice and send the compliance report in writing to this office, and*
- 2. Submit a long term plan to prevent further causation of nuisance within a period of 07 days from receipt of this notice.”*

It was also made clear that if no compliance is ensured appropriate action would be initiated against the Unit under the Act of 1985 and the Rules of 1975.

4. Following this, are the proceedings initiated by the Goa State Pollution Control Board, on the basis of the complaint filed by the petitioner, about illegal operation of the piggery by respondent no. 7, which resulted in inspection of piggery on 5.3.2024, and a notice was issued under Section 31(A) read with Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, to the piggery, which was directed to be closed and its operation was suspended till it obtained a consent to operate.

The respondent no. 7 however continued the operation

of the piggery unit despite this order and now on 11.8.2025, the final order is passed by Goa State Pollution Control Board with regard to complaint dated 19.2.2024 filed by the petitioner, after detailed discussions, as regard pros and cons of the matter including the complaint as well as on hearing the piggery owner, who specifically pleaded that business was a traditional one and is on operation from 1960 and produced the site plan as well as requisite permissions, received from the Health Officer dated 6.12.2024 as well as the permission dated 22.4.2025 from the Director of Animal Husbandry and Veterinary Services as well as the no objection issued by the Village Panchayat, Arpora Nagao Goa and the site plan of the Unit.

The Pollution Control Board therefore, expressed its view in the following words:-

“Upon considering all the above, it is noted that the piggery unit has submitted the necessary documents required for granting consent to operate and noted that the Primary Health Centre has reported that the piggery unit is not causing any nuisance and the Department of Animal Husbandry & Veterinary Services has

submitted that does not issue /grant of permissions to operate or give license / NOC or regularize the operation of the backyard piggery units, therefore I find no impediment in considering the application dated 29/03/2025 submitted by the piggery unit for the grant of consent to operate under the Water Act and Air Act on trial basis for six months which shall be renewed on maintenance of the compliance of the conditions related to Air and Water Act.”

5. Therefore as on date, Goa State Pollution Control Board has accorded its consent to operate the piggery unit and it has taken into consideration, all the necessary documents and has concluded that it is not causing any nuisance as indicated by the Department of Animal Husbandry and Veterinary Services.

6. Mr Lawande would thereafter invite our attention to the notices issued by the Mamlatdar of Bardez Taluka and in particular the conditional order passed on 8.6.2023, where it has noted that the piggery is operating without any permission from any authority and is not having any water/electricity connection and the Talathi had reported

that its operation is causing nuisance and health hazard to the locals, around the vicinity. Upon the proceedings being initiated before the Mamlatdar, an order came to be passed which specifically recorded as under:-

“The Opponent, Shri. Anthony Fernandes (Piggery owner) is hereby directed to stop the business of piggery in absence of any permission or approval from any competent authority or otherwise.

The Heath department and the Police department to monitor and keep a vigil and to take necessary action against the any business of piggery carried out by the opponent. The opponent to stop the business of the piggery in the said area in village Arpora Bardez Taluka with immediate effect.

a. That he should not throw any waste food outside the piggery and the areas should be clean without any waste or garbage.

b. That he should stop the waste water, animal waste in open pit and if any should construct a soak pit immediately to avoid any nuisance.

The opponent is given one month time to comply with point No.(b) of the order herein above.

The matter stand disposed off accordingly.”

7. It is a submission of Mr Lawande, for the petitioner that merely that Goa State Pollution Control Board has granted consent to operate, do not mean that the respondent no.7 is at liberty to conduct business of piggery, without maintaining the conditions of hygiene and this particular aspect has been highlighted in the first inspection report dated 6.1.2023 as well as in the order of Mamlatdar where specific conditions are imposed for operating the piggery, being (a) the owner should not throw any waste food outside the piggery and the area should be kept clean without any waste or garbage and (b) the owner should stop the waste water, animal waste in open pit and construct a soak pit immediately to avoid any public nuisance.

8. There can be no quarrel about the fact that if any activity is permitted to be carried out, it shall not be conducted in a way that result into nuisance, to the persons residing in the locality and the petitioner is perfectly justified in expressing his concern over the waste food being thrown everywhere outside the piggery as well as waste water/sullage animal waste being let out in the open.

9. In our opinion even if Goa State Pollution Control Board has accorded its consent to operate vide its order dated 11.8.2025, it is necessary for respondent no.7 to abide by the conditions that it shall not cause nuisance and we deem it appropriate to direct the Health Department as well as the Police Department to monitor and keep the vigil when the business is carried out by respondent no. 7, so as to prevent public nuisance. In addition the stipulation contained in the order dated 25.8.2023 passed by the Mamlatdar in Case No.MAG/133/Cr.PC/2/2023 as proceeding were initiated under Section 133 of Code of Criminal Procedure, 1973 shall be strictly complied by and adhered to by respondent no. 7.

Needless to state that the petitioner, if aggrieved by the order of Goa State Pollution Control Board placed before us, is at liberty to raise a challenge by filing independent proceedings.

10. The Writ Petition is therefore disposed off. Pending applications are disposed.

11. In the wake of the aforesaid order, the Writ Petition

No. 299/2025/F filed by respondent no. 7, the owner of the piggery challenging the refusal by the Village Panchayat to grant permission is rendered infructuous and stands dismissed.

NIVEDITA P. MEHTA, J. BHARATI DANGRE, J.