

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 29 OF 2020

Mulakh Khajan Tenants  
Association & Ors.

..... Petitioner

*V e r s u s*

State of Goa & Ors.

..... Respondents

Shri Nigel Costa Frias, Advocate for the Petitioner.

Shri Deep Shirodkar, Additional Government Advocate for the Respondent nos.1 to 4.

Shri Dattaprasad Lawande and Shri P. Dangui, Advocates for the Respondent no.5.

Shri S. D.Lotlikar, Senior Advocate with Shri J. Karn, Advocate for the Respondent no.7.

Shri P. Rao, Advocate for the Respondent nos.10, 12, 13 and 14.

Shri A. D. Bhobe, Advocate for the Respondent no.11.

Coram :- NUTAN D. SARDESSAI &  
M. S. JAWALKAR, JJ.

Date : 3<sup>rd</sup> August, 2020

P.C.

Shri Deep Shirodkar, the learned Additional Government Advocate

for the respondent nos.1 to 4 submits that an inspection is scheduled to be held today at the mines of the respondent no.14 along with the officials of the Directorate of Mines and Geology and the Water Resources Department.

2. Shri Parag Rao, the learned Advocate for the respondent nos.10, 12, 13 and 14 submits, on the basis of instructions, that the mining pits are at such water level that they do not touch the overflow level of 42 Mean Sea Level and the Mean Sea level of the water was 37.1 metres as on 01.08.2020. Therefore, in his submission, there was least likelihood of any overflowing of the water from the mining pit to the neighbouring fields of the petitioners.

3. Shri Shirodkar, the learned Additional Government Advocate, is directed to hold an inspection tomorrow i.e. 04.08.2020 instead of today of which, notice is waived by Shri Rao, the learned Advocate on behalf of respondent nos.10, 12, 13 and 14.

4. Shri S. D. Lotlikar, the learned Senior Advocate for the respondent no.7, submits that no mining activity is being carried out by the respondent no.7 yet, there has been a false assertion on behalf of the petitioners that

mining activity is being carried on by the respondent no.7 and that he would want to file his affidavit to show that no such activity is carried out by the respondent no.7 and, quite on the contrary, that the inspection report drawn by the mining department shows falsehood in the case of the petitioner. He prays that the petitioners be saddled with heavy costs for unnecessarily impleading the respondent no.7 to the petition.

5. Shri Rao, the learned Advocate for the respondent nos.10, 12, 13 and 14, submits that he would file his reply during the course of the day with copies to the opposite parties.

6. Shri Shirodkar, the learned Additional Government Advocate, submits that the officer of the Pollution Control Board could also be deputed to the site tomorrow to ensure his presence at the time of the inspection of the pit in question. The officer of the Goa Pollution Control Board to ensure his presence at the mining pit tomorrow i.e. 04.08.2020 at 11.30 hours and so too the representative of the respondent no.14 apart from the officials from the department of Directorate of Mines and Geology and the Water Resources Department. No separate notice shall be issued of the inspection scheduled tomorrow at 11.30 hours. The representatives of the petitioners

too are permitted to remain present at the time of such inspection scheduled for tomorrow.

7. Stands over for compliance report on 07.08.2020.

M. S. JAWALKAR

NUTAN D. SARDESSAI, J.

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