

IN THE HIGH COURT OF BOMBAY AT GOA
LD-VC-CW-388-2020
(STM-1771-2020)

Antonio Cardoso ... Petitioner
Versus
State of Goa & Ors ... Respondents

Mr. J.A. Lobo, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Ms. Ankita Kamat,
Additional Government Advocate for the respondents.

Coram:- DIPANKAR DATTA,CJ &
M. S. SONAK, J

Date:- 18th December, 2020

ORAL ORDER : (Per DIPANKAR DATTA,CJ)

By presenting this Writ Petition, the septuagenarian petitioner seeks the following relief:

“(a) To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the respondents to take concrete remedial steps and remedial action as deemed necessary and provided for under the Goa Public Health Act, 1895, and rules made thereunder, at loco to abate the nuisance and stop the overflow, stagnation and pumping out of the sullage/sewage/waste water into the open as well as have the accumulated stagnant sewage water removed from the locality including the overflow in the compound of the petitioner, in a time bound manner.”

2. Exhibit P7 to the Writ Petition appears to be a complaint dated 24/06/2020 lodged on behalf of the petitioner by his Advocate. It is addressed to the Directorate of Health Services, Government of Goa. After narrating the health hazards at the relevant site, the petitioner requested the Director to take appropriate action as provided in the Goa Public Health Act, 1895 for removal thereof.

3. We are informed by Mr. Lobo, learned Advocate for the petitioner that the Director is yet to take action on such complaint.

4. Mr. Pangam, learned Advocate General for the State of Goa appears on behalf of the respondents. He submits that there were earlier complaints which have been taken care of and since the complaint dated 24/06/2020 is of recent origin, the respondents would look into it, conduct appropriate inspection and take further action as is warranted in law.

5. In view of the statement of the learned Advocate General, we see no reason to keep this Writ Petition pending.

6. The Writ Petition stands disposed of with a direction upon the respondents, more particularly, the respondent No.3 to look into the complaint of the petitioner and to take action as is permissible under the aforesaid Act against any person found to have been contravening statutory provisions. Needless to observe, if any action is proposed to be taken, the persons responsible for creating health hazards shall be put on notice and a reasoned order shall be passed.

7. Let this order be complied with as early as possible, but preferably within two months from the date of receipt thereof.

8. There shall be no order as to costs.

M. S. SONAK, J

CHIEF JUSTICE

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