

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO.37 OF 2023

Swapnesh Sherlekar

...Petitioner

Versus

State of Goa, thr. Chief Secretary And 2
Ors.

...Respondents

Mr Vishal G. Naik, Advocate for the Petitioner.

Mr Devidas J. Pangam, Advocate General with Mr Deep D. Shirodkar, Additional Government Advocate for Respondent Nos. 1 and 2.

Mr Shivam S. Fadte, Advocate for the Respondent No.3.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES JJ.**

DATE: 26th FEBRUARY, 2024

P.C.:

1. Heard Mr Vishal Naik, learned counsel for the petitioner. Learned Advocate General appears along with Mr Deep Shirodkar, learned Additional Government Advocate for Respondents No.1 and 2 and Mr Shubham Fadte, learned counsel appears for Respondent No.3.

2. This petition was instituted in public interest by the petitioner who is a resident of Mulgao Village of Bicholim Taluka in the context of the inundation of agricultural fields along the canal and the Nullah in Mulgao Village.

3. The petitioner has prayed for the following substantive reliefs in this petition:

“a) By way of appropriate writ, order direct the Respondent No.1 & 2 to without any further delay carry out:

i) The de-silting of the Nullah flowing in between the agricultural fields in Mulgao Village;

ii) Repairing of canal wall lining of the Tillari Canal at least to the extent it flows in the Mulgao Village;

b) By way of appropriate writ, order direct the Respondent No. 1 & 2 to carry out within time limit joint re-inspection along with the Petitioner after taking steps as prayed at clause (a).”

4. Insofar as the issue of desilting of Nullah, which is the first issue raised by the petitioner is concerned, learned Advocate General produces a notice inviting tenders dated 20.02.2024 by which tenders have been invited for undertaking and completing this work at an estimate of Rs.33,7,461/-. The notice inviting tenders states that the time that is proposed to be allowed for completing this work would be 90 days excluding monsoon. Learned Advocate General states that once a tender is awarded, this work would be completed within the period prescribed.

5. We accept the above statement after taking cognizance of the notice inviting tenders dated 20.02.2024, which is taken on record. The Water Resources Department and the tenderer must endeavour to complete the work within the prescribed period so that the first issue raised by the petitioner is substantially redressed.

6. Insofar as the second issue concerning repair of canal wall is concerned, the learned Advocate General places on record the Work Order dated 13.10.2023 by which the work of “*Fifth Revised estimate of the interstate Tillari Irrigation Project-Canal network in Goa. Reg:-Strengthening and modifications of LBMC of TIP canal, aqueduct and other appurtenances from Ch.0.00 Km to Ch 6.00 Km and Ch.7.50 Km to Ch.13.40Km*” for an amount of Rs.33,29,04,272/- (Rupees Thirty Three Crore Twenty Nine Lakh Four Thousand Two Hundred and Seventy Two Only) inclusive of GST” is already awarded to the Contractor, M/s. Bagkiya Constructions Pvt. Ltd. The above Work Order states that this work of the value of over Rs.33.29 lakhs is awarded to the Contractor and the Contractor has to complete this work by 02.12.2024. Again, according to us, this takes care of the grievance raised by the petitioner to this PIL Writ Petition.
7. Again, we not only accept the above statement but also direct the Water Resources Department and the Contractor to take all steps to complete the work within the prescribed period.
8. By accepting the above statements and directing the Water Resources Department and its Contractor to act accordingly, we dispose of this petition. If the works are not completed, we grant the petitioner leave to apply by filing a miscellaneous application even though this petition is now being disposed of.
9. This petition is, accordingly, disposed of in the above terms without any order for costs.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.