

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 20 OF 2007

Mr. Rajan P. Parrikar

Panaji-Goa.

.... Petitioner

V/s

1. The Commissioner,
Corporation of the City of Panaji,
Panaji, Goa.

2. Health Officer,
Directorate of Health Services,
Panaji.

3. Collector of North,
Collectorate, Panaji, Goa.

4. State of Goa.

5. Director of Tourism,
Tourism Department,
Patto Colony, Panaji.

6. Chief Secretary,
Govt. of Goa, Secretariat,
Porvorim, Goa.

7. Director of Municipality,
Panaji, Goa.

.... Respondents

Petitioner in person – absent.

Mr. J.A. Lobo, Amicus Curiae.

Mr. Shivan Dessai, Advocate for Respondent No.1.

Ms. W. Coutinho, Government Advocate for Respondents No. 2 to 4.

**CORAM : S.A. BOBDE &
N.A. BRITTO, JJ.**

DATE : 23rd APRIL, 2008

ORAL ORDER :

The respondent-Commissioner of the Corporation of the City of Panaji has submitted an additional report stating that the Corporation has already taken certain steps and proposes to take certain other steps which are beneficial for the life and health of the citizens of Panaji viz,

- The respondent has stated that a special cell for the enforcement of the public orders pertaining to hygiene, sanitation etc. has been established comprising of Municipal Inspectors, Corporation employees and two constables to be provided on the daily basis by the police.
- That this cell will monitor and supervise the implementation of public orders issued by the Corporation..
- To ensure prompt action by the squad, a vehicle has been provided, so that the grievances of the citizens are addressed at the earliest and effective measures are taken for the enforcement of the public orders.
- In particular, the Commissioner has stated that the Corporation of the City of Panaji shall receive the complaints in its main office of the cell which will be located at the Corporation premises.
- The contact numbers of the squad members will be given due publicity so that complaints from the public can be entertained telephonically.

- The public shall be entitled to lodge complaint at the concerned police station also.
- As an important measure for making the public urinals and toilets more accessible to the people, the Commissioner has stated that the rates for their using would be revised upon the approval of such revision by the standing committee.
- In addition, the Commissioner has stated that the two additional areas namely the Municipal garden opposite Velho Felhos and another Municipal garden opposite the District Court have been notified as public places for the purpose of Section 187 and 188 of the Indian Penal Code.

2. We consider it appropriate to accept the aforesaid statements of the Commissioner. The proposals are intended to improve the quality of life and health in the City of Panaji.

In addition to the above, we consider it appropriate to direct the Municipal Corporation to put up sufficient sign boards in English as well as vernacular to warn the members of the public against misuse of public places, that such misuse would entail penal consequences. The Corporation shall put up such sign boards at such places in the public areas considered appropriate by them.

The Commissioner has stated that places have been identified in the City of

Panaji in terms of Chapter 14 and 15 of the Act for carrying out activities for bathing, disposal of waste and washing of animals. We direct the Commissioner to set up appropriate facilities for such purposes in the areas already identified.

3. Mr. Lobo, the learned Amicus Curiae submits that there are certain areas in the City which are without any urinals and latrines. In the circumstances, we consider it appropriate to permit the petitioner and indeed any other responsible citizen to make a representation to the Commissioner for setting up urinals and latrines at specified points in any locality. We direct the Commissioner to take a decision on such representation within a period of one month from its receipt and communicate to the citizen concerned.

4. Mr. Dessai, the learned Counsel for the Commissioner states that the enforcement cell would also be responsible for dealing with unauthorised food carts, stalls and gadas and encroachments on the footpath, which deprive citizens of the proper use of footpaths; thereby forcing them to walk on the road. We further direct that the Corporation shall remove encroachments on footpath by garages for repairing motorcycles, cars and other vehicles which apart from depriving citizens from the use of footpath create spillage of oil on the footpaths and roads.

Further the Corporation should identify godowns from which hazardous material such as cement, asbestos etc. spill on the footpath and roads and create dust pollution and take appropriate action in that regard.

5. This Court expresses its appreciation for the assistance rendered to it by Mr. Lobo, the learned Amicus Curiae. In view of the above directions, PIL Writ Petition stands disposed of accordingly.

S.A. BOBDE, J.

N.A. BRITTO, J.

NH/-