

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 11 OF 2007

MR. SATISH S. BANAULIKAR ... Petitioner
Versus
VILLAGE PANCHYAT SIOLIM, AND 4 ... Respondents
ORS.,

Mrs. N. Alvares, Amicus Curiae.
Mr. M. Salkar, Addl. Government Advocate for Respondent Nos. 2
and 3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 12th August, 2010

P.C.

We have heard the learned Amicus Curiae. We have also heard the learned Additional Government Advocate. We have perused the earlier orders passed by this Court.

2. The Petitioner's letter dated 21st August, 2007 was ordered to be registered as PIL Writ Petition. The Petitioner has raised issue of environmental degradation caused by illegal cutting of hills. This Court has issued various directions from time to time. The order dated 8th September, 2008 passed by this Court records that the learned Amicus Curiae has handed over a note containing her suggestions on the measures to prevent illegal hill cutting and to restore hills that are illegally cut. This Court recorded the statement of the State Government that the suggestions in the note will be duly examined by the State Government and appropriate decision would be taken in compliance.

3. As far as first part of the measures to prevent illegal hill

cutting is concerned, the learned Additional Government Advocate pointed out that the Government of Goa has constituted one flying squad each for both the Districts to take instant action against illegal cutting of sloppy land/filling of low lying land. The learned Additional Government Advocate has tendered on record a press note issued by the Town and Country Planning Department of Government of Goa which lays down as to how the flying squad will work. It is stated that a toll free number has been provided to the members of the public to contact the concerned officers attached to the flying squad.

4. The learned Additional Government Advocate stated that a wide publicity has been given to the toll free number. He has handed over a chart as regards the details of the complaints received by the flying squad from 26th May, 2010 onwards. The chart also indicates the action taken on the basis of the various complaints made by the complainants.

5. The learned Amicus Curiae has made certain suggestions. The first suggestion is that the flying squad must take calls from the members of public on week ends and public holidays. Therefore, a cell phone number of the appropriate officers attached to the flying squad should be made available to the members of public. Another suggestion is that to make the work of the flying squad more effective, the stop work order of the flying squad should be issued in writing. These suggestions will have to be accepted. The learned Amicus Curiae is right in suggesting that if the complainant makes a request for a copy of the stop work order or notice, the same will be made available to the complainant.

6. After the stop work order is issued by the flying squad, the Town and Country Planning Department has to examine the matter.

To ensure that the stop work order or notice of the flying squad becomes effective, if the Town and Country Planning Department desires to allow the work to be resumed, an order to that effect should be passed by the Town and Country Planning Department in writing and the stop work order/notice will continue to be operative till such order is passed by the Town and Country Planning Department.

7. There are various instances of illegal cutting of hills. We, therefore, find that there is a need for the State Government to take appropriate measures for stabilization of such hills. The suggestions of the learned Amicus Curiae have already been submitted and the State Government has to take appropriate decision. We find that in view of an interim order passed by this Court, a committee has been constituted by the State Government which is entrusted with the work of framing a policy on hill cutting. The committee is also required to suggest measures to prevent hill cutting and the measures to take immediate remedial action on illegal hill cutting. Notwithstanding the disposal of this Writ Petition, the committee will continue to function till the task assigned to committee is carried out.

8. Hence, we dispose of the Petition by issuing the following directions :-

(A) We direct that the suggestions made by the learned Amicus Curiae on 5th September, 2008 which are on record of this Writ Petition shall be considered by the committee appointed under the orders of this Court. The committee may take assistance of the learned Amicus Curiae. The committee shall continue to function till the measures suggested by the learned Amicus Curiae are considered and appropriate recommendations are made by the committee to the State Government. The committee shall submit its detailed recommendations as per the terms of reference incorporated in the

order dated 21st January, 2010 by which the committee was constituted. The committee shall endeavour to submit recommendations to the State Government within a period of six months from today.

(B) After the recommendations are submitted by the committee, the State Government shall take decision as expeditiously as possible.

(C) We accept the statement made by the learned Additional Government Advocate regarding the constitution of the flying squad which is a part of the press note handed over to this Court.

(D) We direct that the arrangements should be made to ensure that the flying squad can be contacted by the members of public at weekends and on public holidays. The flying squad shall be available for taking action even on public holidays. A cell phone number shall be notified by the State Government on which the members of public can contact the concerned officers of the flying squad at the weekends and on public holidays. Wide publicity shall be given to the toll free number as well as the cell phone number so that the members of public can contact the flying squad.

(E) We direct that whenever a show cause notice/stop work order issued by the flying squad, the same shall be in writing. The notice/order will contain in brief the nature of hill cutting activity noted by the flying squad. If a request made, a true copy of the notice/order shall be made available to the concerned complainant.

(F) It shall be the duty of the Town and Country Planning Department to immediately examine the matter after the stop work order/notice is issued by the flying squad. We direct that such notice

issued by the flying squad will remain operative till the Town and Country Planning Department examines the case and allows the resumption of the activities by passing an order in writing.

(G) We direct that the committee formed by the State Government will consider the measures which are required to be taken for making the functioning of the flying squad more effective.

(H) Before we dispose of the Petition with the aforesaid directions, we record our appreciation of the services rendered by Ms. Norma Alvares, the learned Amicus Curiae.

(I) We dispose of the Petition with aforesaid directions.

A. S. OKA, J.

F. M. REIS, J.

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