

GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.47/2013

INQUIRY REPORT

On the basis of news-paper report which appeared on the local news-paper “Herald” dated 07/04/2013 under the caption “brazen dumping of construction debris in Mercedes”, this Commission took suo motu cognizance of the matter and issued notices to 1) Mr. B. G. Patil of M/s Patil Transport, Wadi, Mercedes, Ilhas – Goa, 2) the Secretary, the Village Panchayat of Mercedes, Mercedes, Ilhas – Goa, 3) the Police Inspector, Panaji Police Station, Panaji – Goa, 4) the Chief Town Planner, Town & Country Planning Department, Dempo Tower, Patto, Panaji – Goa, 5) the Secretary, Town & Country Planning, Government of Goa, Secretariat, Porvorim – Goa and 6) the State of Goa through its Chief Secretary, Secretariat, Porvorim – Goa. During the pendency of this proceeding, the Police Inspector, Panaji Police Station filed an application dated 25/04/2013 stating therein that the subject matter of this case comes under the jurisdiction of Old Goa Police Station. Accordingly, by order dated 03/05/2013, the name of Respondent No.3 was replaced as “The Police Inspector, Old Goa Police Station and accordingly, the cause title was amended.

2. The Respondents No.1, 2, 3 and 4 have filed their respective replies. The Respondents No.5 and 6 have adopted the reply filed on behalf of Respondent No.4.

3. In the meantime, Shri U. Balaswamy, Police Sub-Inspector, attached to the Investigation Cell of this Commission was directed to inspect the site on 11/04/2014 at 4.00 p.m. and to submit his report. Accordingly, Shri U. Balaswamy, PSI inspected the site and submitted his report. He reported that on the plot in question belonging to Shri Gaurish Dhond huge quantity of mud (extracted from construction site) was found dumped by using trucks and JCB.

4. By Order dated 24/04/2014, this Commission directed the Chief Town Planner, Town & Country Planning Department/Respondent No.4 to inspect the site and submit his report as to whether the filling and dumping of material is permissible under the law and whether any damage is caused to

the mangroves and water body adjoining the plot. Accordingly, the Chief Town Planner inspected the site on 16/05/2014 and submitted Site Inspection Report before this Commission on 09/06/2014. The observations made in the Site Inspection Report dated 09/06/2014 are reproduced below:

- (i) *The site is located adjacent to National Highway on Panaji-Margao Margao road near Old Goa road Circle.*
- (ii) *Illegal dumping of mud and construction debris is observed on the kachcha pathway and mangroves which is illegal and not permissible.*
- (iii) *There are three found with approximate length of 30m, 50m and 60m approximate width ranging from 3m to 10m and approximate height upto to 3m. Details are given in the plan enclosed.*
- (iv) *Against this illegal dumping, the Town & Country Planning Department Tiswadi Taluka Office vide ref. No.Tis/23/13/114/fill/MDP/TCP/13/700 dated 17/04/2013 (Copy enclosed), has filed complaint with Old Goa Police Station to stop the work.*

5. The Chief Town Planner has stated that the filling and dumping of material is unauthorised and may cause damage to the mangroves and water body adjoining the plot.

6. It is apparent from the records that construction debris has been dumped on the plot in question. The Village Panchayat of Mercés/Respondent No.2 claims that Mr. B. G. Patil of M/s B. G. Patil Transport is dumping debris and filling up the property near Estrella Open Air on National Highway-17, Mercés, Tiswadi – Goa. However, Mr. B. G. Patil/Respondent No.1 has denied that he has done any illegal land filling activity or filling of low lying mangrove area with construction debris at Morombi-o-Pequeno in the village of Mercés – Goa. On the basis of the records we are not able to ascertain as to who has dumped the construction debris on the site.

7. The Respondent No.2/Village Panchayat of Mercés has already filed a complaint dated 06/04/2013 against Mr. B. G. Patil of M/s B. G. Patil Transport to the Police Inspector, Old Goa Police Station. The Chief Town

Planner/Respondent No. 4 has also filed a complaint dated 17/04/2013 before the Police Inspector, Old Goa Police Station in respect of dumping of construction debris under the Town & Country Planning Act. Although, the Respondent No.2 and Respondent No.4 have filed complaints in respect of dumping of construction debris on the site, it appears that Old Goa Police have not initiated any action against the wrongdoers as the Police are silent on this aspect. We are convinced that the Concerned Authorities have failed in performing its duties to safeguard the environmental damage.

8. In the facts and the circumstances of this case, we make the following recommendations:

- (i) *The State of Goa through its Chief Secretary shall initiate action to cause the construction debris to be removed within 60 days.*
- (ii) *The State of Goa shall declare the area where construction debris has been dumped and surrounding area where mangroves are existing as No-Development Zone.*
- (iii) *The Chief Town Planner, Town & Country Planning Department, Panaji – Goa as well as the Police Inspector, Old Goa Police Station shall initiate appropriate action against the culprits who are responsible for dumping the construction debris at the site in accordance with law, within 60 days.*

Date: 10/12/2015

Place: Panaji – Goa.

Sd/-
(Justice P. K. Misra)
Chairperson
Goa Human Rights Commission

Sd/-
(A. D. Salkar)
Member
Goa Human Rights Commission

Sd/-
(J. A. Keny)
Member
Goa Human Rights Commission