

THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No. 269/2013

1. Mrs. Tarannum Kadroli,
 2. Mrs. Asma Adoor,
- Both residents of h. No.20/209,
Nr. Netraval Hospital,
Kevnem, Taleigao-Goa. ... Complainants

V/s

1. Mrs. Almas Khan,
Plot No.18/A,
Keunem, Taleigao-Goa.
2. The Assistant Engineer,
W/D. III, (PHE),
Tonca, Caranzalem-Goa. ... Respondents

INQUIRY REPORT/ORDER

(22nd March, 2021)

The Complaint dated 27/11/2013 from the Complainants addressed to the Assistant Engineer, PWD, was received in the Commission on 06/12/2013, regarding disconnection of water supply in the name of Mr. Afzal Khan.

2. The Complainants have stated that they are residing at House No.20/209 at Kevnem, Taleigao-Goa for the last several years. The Respondent No.1 had executed Leave & License Agreement of the premises in favour of the Complainants and other tenants.

3. The case of the Complainants is that the water connection in the said premises stands in the name of Mr. Afzal Khan. They stated that water connection is disconnected on 25/11/2013. They also stated that the Respondent No.1 has moved an application for permanent disconnection of water supply to the premises in order to harass the

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residents. They stated that they have paid water bills for last 7 years to the Respondent No.1 and there are about 15 families residing in the said premises.

4. They state that the Respondent No.1 is trying to use the tactic of permanent disconnection of water as a means to harass and to illegally evict the residents. They undertook to pay all the outstanding water bills and the future bills without any delay in case the water supply is reconnected on permanent basis. The Complainants requested this Commission to reconnect the water supply with immediate effect on in the alternative to give a temporary connection until such time the formalities are completed for a permanent connection.

5. On perusing the complaint, the Commission by Order dated 20/12/2013 issued notice to the Respondents.

6. The Respondent No.1 filed her reply on 21/07/2014 stating that the Complainants are neither tenants nor residents nor do they have the authority of any other persons to represent them. It is stated that the Complainants are trespassers who do not reside in the premises. She objected to reconnect the water supply.

7. The Respondent No.2 filed their reply dated 21/07/2014. They stated that the water connection in the said property was disconnected on 26/11/2013 as requested by the owner of the premises and the meter holder by letter dated 20/11/2013. They stated that the water connection was in the name of Respondent No.1, Smt. Almas Khan.

The Respondent No.2 also stated that the Respondent No.2 is also concerned with payments of water charges and non payments of the same,

invites disconnection. They stated that Respondent No.2 has to receive amount of Rs.13,507/ and Rs.300/- as the reconnection charges.

8. The Complainants had also filed an application for interim relief. The Commission by Order dated 07/07/2015 had granted interim relief for restoration of water connection to the house no.20/209 on temporary basis till further orders of the Commission, holding that there cannot be any dispute that water and electricity are basic necessities of life and the Complainants cannot be deprived from such basic necessities and also it would amount to violation of basic human rights of the Complainant.

9. The Commission had recommended that the Respondent No.2 shall reconnect the water connection to house no.20/209 till further orders of the Commission subject to the condition that the Complainant shall pay arrears of water charges to the Respondent department.

10. By Order dated 18/08/2015, on going through the records of the case, the Commission found that it was necessary to record evidence of both parties. At the stage of evidence, the Complainant No.1 Tarannum Kadroli filed her Affidavit-in-Evidence and was cross examined by the Advocate for the Respondent No.1. So also the Complainant No.2, Ms. Asma Adoor filed her Affidavit-in-Evidence and was cross examined by Advocate for the Respondent No.1.

11. At the stage of evidence of Respondents, the Respondent No.1 remained absent and evidence of Respondent No.1 was closed on 14/01/2021. Ld. Advocate Shri A. Talaulikar for the Respondent No.2 stated that he does not wish to lead evidence.

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12. At the stage of final arguments, Advocate Ms. V. Poulekar was heard on behalf of the Complainant. The Respondents remained absent.

13. The Commission has gone through the complaint, replies of Respondents No.1 & 2, evidence of both the Complainants and considered the submissions of Ld. Advocate Ms. V. Poulekar.

14. It is in the evidence of CW1 that there were about 15 families residing in house no.20/109 and at present there are only 5 families. So also CW2 had deposed that she is still residing in the said house. CW1 had deposed that the Commission had granted interim relief directing the PWD to restore water connection after clearing dues. There was no cross examination of CW1 on behalf of the Respondent No.2.

CW1, had deposed that she and her family members are residing in the house no.20/209 at Taleigao for last several years. So also CW2, Mrs. Asma Adoor had deposed that she had executed Leave & License Agreement dated 13/07/2012 and produced the copy of the same. She deposed that she and her family members are residing in the house for last 17 years.

15. The Commission finds that, the Complainants have been residing in the house no.20/209 at Taleigao and the Respondent No.1 is harassing them by trying to seek the disconnection of electricity and water supply.

16. Under Section 18(a)(i) of the Protection of Human Rights Act 1993, the Commission recommends that the Respondent No.2 shall not disconnect the water connection to house no.20/209 as long as the Complainants are not lawfully evicted from the house no.20/209, at the instance of Respondent No.1 and provided, the water charges are paid by the Complainants to the Respondent No.2, from time to time.

Accordingly, the proceedings stand disposed of.

Date : 22/03/2021

Place : Panaji-Goa

Sd/-
(Justice U.V. Bakre)
Chairperson
Goa Human Rights Commission

Sd/-
(Desmond D'Costa)
Member
Goa Human Rights Commission

Sd/-
(Pramod V. Kamat)
Member
Goa Human Rights Commission