

2023 SCC OnLine Bom 1880

In the High Court of Bombay at Goa  
(BEFORE M.S. SONAK AND BHARAT P. DESHPANDE, JJ.)

Athnain Audhut Naik and Another ... Petitioners;

*Versus*

State of Goa, through Chief Secretary and Others ...  
Respondents.

Public Interest Litigation Writ Petition No. 29 of 2023

Decided on September 4, 2023

Advocates who appeared in this case :

Petitioner in person.

Mr. D. Pangam, Advocate General with Mr. M. Salkar, Government  
Advocate for Respondent Nos. 1, 2, and 3.

Mr. Zeller De Sousa, Advocate for Respondent No. 4.

The Order of the Court was delivered by

M.S. SONAK, J.:— Heard Mr. Athnain Naik - petitioner no. 1, who  
appears in person. Learned Advocate General appears along with Mr. M.  
Salkar, learned Government Advocate for respondent nos. 1, 2 and 3.  
Mr. Zeller De Sousa appears for respondent no. 4.

2. This petition highlights issues of road safety, including increased  
accidents in the Sancoale village near a particular location, that is  
Simpal in Sancoale village. The petitioner has pointed out how this area  
is prone to accidents by placing some photographs on record.

3. The petitioner seeks a writ of mandamus to the respondent to  
take some road safety measures at this spot, including, *inter alia*,  
placing speed breakers.

4. Considering the issues raised in this petition, we think that this  
petition could itself be considered as a representation to the District  
Magistrate, South Goa, who is the competent authority under the Motor  
Vehicles Act and the Rules for directing the placement of speed  
breakers. The learned Advocate General points out that the District  
Magistrate has to act in consultation with the Superintendent of Police  
(respondent no. 3).

5. Accordingly, it would be appropriate if the District Magistrate and  
the Superintendent of Police consider this petition as a representation  
and take a decision on the petitioners' prayers as expeditiously as  
possible and, in any case, within a maximum of two months from  
today. The petitioner states that he will also assist the two authorities  
and place necessary statistics details before them. The District

Magistrate and the Superintendent of Police should accordingly give an appointment to the petitioners and consider their suggestions in the matter.

6. Mr. De Sousa points out that the Panchayats have no authority to place speed breakers on the road and, therefore, the prayer for mandamus against the Panchayat is misconceived. Mr. De Sousa may be justified in making this submission, but still, we feel that the Panchayat on its own should have been more proactive if, indeed, this spot is accident-prone, as alleged by the petitioner. It is the duty of the Panchayat to ensure that there is traffic safety so that the respondents are not victims of road accidents.

7. Further, what was quite disturbing were the photographs placed on record by the petitioner, which show stray cattle on the roads and near the spot. Certainly, it is the duty of the Panchayat to deal with the menace of stray cattle. It appears that sufficient steps are not being taken to address this issue of stray cattle. There is no point in perpetually remaining in a state of denial on such an issue. Recently, this Court, in Misc. Civil Application No. 819/2017 in Writ Petition No. 261/2004 (disposed of by a detailed order dated 08.08.2023) has issued several directions to the Panchayats on the issue of stray cattle management.

8. Mr. Athnain Naik, the petitioner in person, is requested to furnish an authenticated copy of this order to the Panchayat of Sancoale so that this Panchayat complies with the directives even though such directives may or may not have been directly addressed to this particular Panchayat. The directions are general and are meant to be complied with by the Panchayats within whose jurisdictional limits there is any problem of stray cattle.

9. The Panchayat members must also give an appointment to Mr. Athnain Naik and other petitioners so that they can explain the problem to the other members, and the Panchayat must take all possible steps to ensure that the roads within their jurisdiction do not have stray cattle which pose serious hazards to traffic safety and the cattle themselves. The Panchayats cannot avoid such duties by pointing out defects in a prayer clause in a Public Interest Litigation.

10. The Director of the Panchayat must also require this Panchayat to submit at least quarterly reports each year regarding the steps taken by this Panchayat on the issue of stray cattle on the public roads.

11. With the above directions, this petition is disposed of.

12. All concerned to act on the authenticated copy of this order.

disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.