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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 73 OF 2015
IN
WRIT PETITION NO. 245 OF 2007

FOMENTO RESORTS AND HOTELS LTD., ... Applicant/
Original Respondent no.5

In

MR. COLLIN CURRY AND ORS. ... Petitioners

V e r s u s

GOA COASTAL ZONE MANAGEMENT
AUTHORITY AND ORS. ... Respondents

Mr. Sudesh Usgaonkar, Advocate for the applicant/original
respondent no.5.

Mr. J. Supekar, Advocate for the original petitioners.

Mr. H. D. Naik, Advocate for the original respondent nos. 2 and 3.

Mr. M. Salkar, Government Advocate for original respondent nos. 1,
4, 7 and 10.

Mr. J. Godinho, Advocate for the original respondent no.6.

Mr. Y. V. Nadkarni, Advocate for the original respondent nos. 8 & 9.

Coram:- F. M. REIS &
K. L. WADANE, JJ

Date :- 17th February, 2015

P.C.

Heard Mr. Sudesh Usgaonkar, learned counsel
appearing for the applicant/original respondent no.5, Mr. J.

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Supekar, learned counsel appearing for the original petitioners, Mr. H. D. Naik, learned counsel appearing for the original respondent nos. 2 and 3, Mr. M. Salkar, learned Government Advocate appearing for the original respondent nos. 1, 4, 7 and 10, Mr. J. Godinho, learned counsel appearing for the original respondent no.6 and Mr. Y. V. Nadkarni, learned counsel appearing for the original respondent nos. 8 and 9.

2. Leave to amend.

3. This is an application for speaking to the minutes to correct some errors and/or clarification in connection with the judgment passed by this Court dated 24.12.2014 while disposing of Writ Petition No. 245 of 2007.

4. Upon hearing all the above learned counsel, by consent, we find it appropriate to make the following insertions/corrections in the said judgment.

(i) At the end of para 6 the following words shall be added " taking note of the judgment dated 26.11.2012 disposing of the above writ petition".

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(ii) At the end of para 7 the following words shall be added " after examining the report filed by Respondent no.1 in this Court on 10.09.2007 in the above Writ Petition".

(iii) At para 8 to add the words after the words it is contended that such chambers were erected by the Respondent no.5 "which the Respondent no.5 called as quadrangular holes for trapping sediments/stones chambers".

(iv) Corrections are also ordered in the said judgment in terms of para 12 of the above application which read thus :

(a) Appearance for Respondent No.5, substitute 'Advocate Sudin Usgaonkar' with 'Advocate Sudesh Usgaonkar'.

(b) At line 1 of page 4 substitute 'Respondent No.4' with 'Respondent no.5'.

(c) At para 4 at page 5 line 2 replace word 'said' with 'iron' and after word 'jetty' add 'i.e. walkway and deck slab'.

(d) At para 5 line 4 substitute '12/5/2005' with '12/1/2005'.

(e) At page 7 line 4 substitute '19/4/2004' with '19/4/2009'.

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(f) At para 10 replace 'clause (4)' with 'clause (iv)'.

(g) At para 11 line 1 replace 'clause A(a)' with 'clause AA' and at line 3 replace 'clause A(a)' with 'clause AAA'.

(h) At para 11 replace 'B(b)(b)' with 'clause BBB'.

(i) At para 11 page 8 line 2 substitute '15/4/1998' with '15/4/1988' and substitute 'semi' with 'some' and delete the words ' and the remaining semi structures'.

(j) At para 11 page 8 line 4 replace word 'said structures' with 'other structures' and at line 5 replace Respondent No.1 with 'Respondent No.3'.

(k) 'Last para 11' at page 7 be renumbered as 'para 12' and accordingly subsequent paras be numbered 12 as 13 and 13 as 14.

5. Mr. Sudesh Usgaonkar, learned counsel appearing for the applicant/original respondent no.5 and Mr. J. Supekar, learned counsel appearing for the original petitioners point out that the directions also be issued in respect of the pending applications filed by the private respondent for regularisation of the five structures

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referred to in para 11 of the above application.

6. Mr. Usgaonkar, learned counsel appearing for the private respondent points out that he does not press for regularisation in respect of any other structures except the five structures referred to in the above application. The concerned authorities shall examine such applications for regularisation as expeditiously as possible after hearing the parties in accordance with law. By consent of the learned counsel, the direction to file the compliance report shall be read as six months from today.

7. The above application stands disposed of in above terms.

8. The Registry to effect the corrections accordingly.

K. L. WADANE, J

F. M. REIS, J

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