

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 291 OF 2015**

1. Manzrabad Traders,  
through its proprietor  
Mr. Inayat Ulla Sayed,  
major of age, business,  
Plot no.9, Menezesbhat  
Sao Jose de Areal, Salcete,  
Goa,
2. Mr. Inayat Ulla Sayed,  
Proprietor, Manzrabad Traders,  
major of age, Indian,  
plot no.9, Menezesbhat  
Sao Jose de Areal, Salcete,  
Goa,
3. S. K. Traders,  
through its Proprietor,  
Mr. Sayed Suban,  
major of age, business,  
plot no.1, Menezesbhat  
Sao Jose de Areal, Salcete,  
Goa,
4. Mr. Sayed Suban,  
proprietor, S. K. Traders,  
major of age, Indian,  
Plot no.9, Menezesbhat  
Sao Jose de Areal, Salcete,  
Goa,
5. Ramlakhan Traders,  
through its proprietor,  
Mr. Jayasimha Kedlaya,  
major of age, business,  
H.No.560(i), Menezesbhat  
Sao Jose de Areal, Salcete,  
Goa,
6. Mr. Jayasimha Kedlaya,  
Proprietor, Ramlakhan Traders,  
major of age, Indian,

House No. 560(i), Menezesbhat  
 Sao Jose de Areal, Salcete,  
 Goa,

7. Manjunath Enterprises,  
 through its proprietor,  
 Dhakappa @ Thakur Naik,  
 major of age, business,  
 H.No.560K, Menezesbhat  
 Sao Jose de Areal, Salcete,  
 Goa,
  8. Dhakappa @ Thakur Naik,  
 Proprietor, Manjunath Enterprises,  
 major of age, Indian,  
 House No. 560K, Menezesbhat  
 Sao Jose de Areal, Salcete,  
 Goa,
  9. Sunil Jaiswal,  
 major of age, Indian,  
 House No. 560K, Menezesbhat  
 Sao Jose de Areal, Salcete,  
 Goa,
  10. Mr. Shabbir M. Hirrali,  
 major of age, Indian,  
 House No. E763/A, Fatorda,  
 Margao, Salcete Goa.
  11. Barkatulla Barkat,  
 major of age, business,  
 House No. A/6, Arora Chawl,  
 Menezesbhat, St. Jose de Areal,  
 Salcete Goa.
- ...      Petitioners

### ***V e r s u s***

1. The State of Goa,  
 through the Chief Secretary,  
 having his office at Secretariat,  
 Porvorim, Bardez Goa

2. The Collector,  
South Goa District,  
Government of Goa,  
Mathany Saldanha Building,  
Margao, Salcete Goa.
3. The Deputy Collector & Sub  
Divisional Magistrate, Margao,  
Government of Goa,  
Mathany Saldanha Building,  
Margao, Salcete Goa.
4. The Mamlatdar, Salcete,  
Government of Goa,  
Mathany Saldanha Building,  
Margao, Salcete Goa.
5. Goa Pollution Control Board,  
through its Member Secretary,  
having his office at Patto,  
Panaji Goa.

... Respondents

Mr. R. Menezes, Advocate for the petitioners.

Mr. P. Dangui, Additional Government Advocate for respondent nos. 1 to 4.

Mr. J. Godinho, Advocate for respondent no.5.

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

**Date :- 15<sup>th</sup> April, 2015**

**ORAL JUDGMENT ( Per F. M. Reis, J)**

Heard Mr. R. Menezes, learned counsel appearing for the petitioners, Mr. P. Dangui, Addl. Government Advocate for respondent nos. 1 to 4 and Mr. J. Godinho, learned counsel appearing for respondent no.5.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respective respondents waive service.

4. The main grievance of the petitioners in the above Writ Petition is against the action contemplated against the petitioners based on communication dated 11.02.2015 of respondent no.5 and order dated 30.03.2015 passed by the respondent no.3.

5. Mr. J. Godinho, learned counsel appearing for the respondent no.5 upon instructions of the concerned official has made a statement that the respondent no.5 shall withdraw the said communication dated 11.02.2015 against the petitioners herein and proceed to issue a show cause notice and after hearing the petitioners pass appropriate orders in accordance with law with regard to the subject matter in dispute.

6. Mr. P. Dangui, learned Addl. Government Advocate appearing for the respondent nos. 1 to 4 also makes a statement that as the action taken by the respondent no.3 was based on the communication dated 11.02.2015 and as in view of the said

statement of the learned counsel appearing for the respondent no.5, such action no longer survives as far as the petitioners are concerned.

7. In view of the said statement of the learned counsel appearing for the respondent no.5, which is accepted, we find that the apprehension of the petitioners that they may be prevented from carrying out business activities otherwise than due process of law would no longer survive. Accepting the said statement on behalf of the respondent nos. 1 to 4 and 5, we dispose of the above Writ Petition. Rule stands disposed of accordingly.

**K. L. WADANE, J**

**F. M. REIS, J**

**at\***