

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 292 OF 2015**

1. Jaiwal Traders,
through its proprietor
Mr. Amrit Lal Jaiswal,
major of age, business,
H.No. 560K, Menezesbhat,
Sao Jose de Areal,
Salcete Goa,
 2. Mr. Amrit Lal Jaiswal,
Proprietor, Jaiswal Traders,
major of age, Indian,
House No. 560K, Menezesbhat,
Sao Jose de Areal,
Salcete Goa,
 3. Laxmi Scrap Traders,
through its proprietors
Mr. Ramcharan J. Kashyap
and Mr. Rambali J. Kashyap,
both major of age, business,
House No. 560G, Plot No.9,
Menezesbhat,
Sao Jose de Areal,
Salcete Goa,
 4. Mr. Ramcharan J. Kashyap,
Proprietor, Laxmi Scrap Traders,
major age, business,
House No. 560G, Plot No.9,
Menezesbhat,
Sao Jose de Areal,
Salcete Goa,
 5. Mr. Rambali J. Kashyap,
Proprietor, Laxmi Scrap Traders,
major of age, business,
House No. 560G, Plot No. 9,
Menezesbhat,
Sao 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 :- 15th 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, the sealing carried out on the basis of the order passed by the respondent no.3 shall be unsealed by 20th April, 2015.

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

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