

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 332/2015**

1. Anand Janaradan Bhat Sawaikar,
son of late Janardan Govind Sawaikar,
64 years old, Indian National,
residing at H.No.17, Advoi,
Sattari, Goa, represented herein
by his Power of Attorney Holder
Manuel Antonio Dias, Partner of
M & M Space Deals,
Our Lady of Guia Building,
F.L. Gomes Road, Vasco-da-Gama, Goa.

2. Alexander Michael,
son of James Michael,
42 years old, Indian National residing at
H.No.13/8, near N.S.D. Depot,
Alto Chicalim, Dabolim,
Mormugao, Goa.

..... Petitioners.

V/s.

1. State of Goa,
through the Secretary,
Town and Country Planning
with Office at Secretariat,
Porvorim, Bardez, Goa.

2. Secretary Department of Forest,
Govt. of Goa, with Office at
Secretariat Porvorim, Bardez, Goa.

3. Chief Town Planner,
with Office at Town and
Country Planning Department,
Dempo Tower, 2nd Floor,
Patto Plaza, Panaji, Goa.

4. Deputy Town Planner,
Mormugao Taluka Level Office,
Town and Country Planning Department,
Government of Goa,
2nd Floor, Commerce Centre,
Vasco-da-Gama, Mormugao, Goa.

5. Conservator of Forest,
Forest Department,
with Office at Gomantak Maratha Mandir,
Panaji, Goa.

6. Deputy Conservator of Forest,
Office of the Pr. Chief Conservator of Forests,
1st Floor, Dayanand Smruti Bldg.,
S.V. Road, Panaji, Goa.

..... Respondents.

Mr. J.E. Coelho Pereira, Senior Counsel with Mr. Vledson Lucio Braganza, Advocate for the petitioners.

Mr. D. Lawande, learned Government Advocate for the respondents.

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

Date : - 7th October, 2015.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. J.E. Coelho Pereira, learned Senior Counsel appearing for the petitioners and Mr. D. Lawande, learned Government Advocate appearing for the respondents.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Counsel appearing for the respondents waives notice.

3. Upon hearing the learned Counsel appearing for the respective parties, the main grievance of the petitioners, at this stage, is that though an application has been filed by the petitioners way back on 16th January, 2015 for further development in the subject-property, no decision has been taken by the respondent No.3 with regard to such an application. Mr. Coelho Pereira, learned Senior Advocate appearing for the petitioners points out that a decision has already been taken by the learned National Green Tribunal by Judgment dated 4th September, 2015 with regard to the subject-property. Hence, Mr. Coelho Pereira submits that this aspect shall also have to be examined by the respondent No.3.

4. Mr. D. Lawande, learned Government Advocate appearing for the respondents, upon instructions, states that a decision on the said application dated 16/1/2015 shall be finally taken by respondent No.3 within two months from today.

5. Accepting the said statement of the learned Government Advocate, we dispose of the above writ petition. While disposing of the said application dated 16th January, 2015, the respondent No.3 may also examine the effect of the decision of the learned National Green Tribunal in respect of the subject-property, in accordance with law. All the contentions of both the parties on merits are left open.

6. Rule stands disposed of accordingly, with no order as to costs.

K.L. WADANE, J.

F.M. REIS, J.

ssm.