

IN THE HIGH COURT OF BOMBAY AT GOA**PUBLIC INTEREST LITIGATION WP NO. 11 OF 2014**

The Chicalim Villagers Action Committee
through its members

1. Ms. Mary Da Costa
Age : 47 years,
Address : H. No. 131, Near St. Anthony Chapel
Fondiem, Chicalim, Mormugao, Goa.
PAN No : BCCPD3183N
Tel. No. : 2541301/9923579906
Occupation : Service
Annual Inc. : 1,00,000-00
E-mail : Nil
Nat Unique Iden No: 6782 6062 5727
2. Mr. Inacio Caetano Fernandes
Age : 58 yrs.
Address : H.No.163/B-1, Penta, Nr. V. P. Office,
Chicalim- Mormugao Goa.
PAN No. : ABDPF2159H
Tel.No. : 9922823775
Occupation : Farmer
Annual Inc : 24,000-00
E-mail : Nil
Nat Unique Iden No.: 9042 9315 9318
3. Mr. Rui Manuel Da Costa Araujo
Age : 50 yrs.
Address : H.No. 118, Gina,
Chicalim-Mormugao-Goa 403 711
PAN No. : AVBPS1303G
Tel. No. : 2540943/9850458478
Occupation : Agriculturist
Annual Inc. : 2,75,000-00
E-mail : ruicosara@rediffmail.com
Nat Unique Iden No.: 8342 1676 2027
4. Mr. Jose Antonio Magno D'Costa
Age : 44 yrs.
Address : H.No.132/1, Assoy
Chicalim – Mormugao – Goa 403 711

PAN No. : AUUPD9713F
Tel. No. : 2541328/9822124498
Occupation : Service
Annual Inc. : 2,00,000-00
E-mail : jamesdcosta@hotmail.com
Nat Unique Iden No. : 8905 9948 1956 ... Petitioners

V e r s u s

1. The State of Goa,
through its Chief Secretary,
Government of Goa,
Secretariat, Porvorim,
Bardez Goa.
2. The Village Panchayat of Chicalim,
Through its Secretary,
Chicalim Goa.
3. The Mormugao Port Trust (MPT)
Through its Chairman
Headland Sada, Goa.
4. The Goa State Pollution Control Board,
Through its Member Secretary
having office at Dempo Towers,
Patto, Panaji Goa.
5. The Goa Coastal Zone Management
Authority,
Through its Member Secretary,
Saligao, Bardez Goa.
6. The Goa State Biodiversity Board
Through its Member Secretary
Saligao Goa.
7. Shri Uday K. Naik,
major of age,
Proprietor of M/s Abhishek Engineers
r/o Karma Empress 5 to 15.
1st Floor, Opp. Laksh Jyot Complex,
Nr. KTC Bus stand, Vasco da Gama, Goa.... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Mr. Dattaprasad Lawande, Government Advocate for respondent nos.1 & 5.

Mr. Z. D'Souza, Advocate for the respondent no.2.

Mr. Y. Nadkarni, Advocate for the respondent no.3.

Mr. N. Sardesai, Senior Advocate with Mr. Rohit Bras De Sa, Advocate for the respondent no.7.

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

Date :- 24th February, 2015

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

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioners, Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondent nos.1 & 5, Mr. Z. D'Souza, learned counsel appearing for the respondent no.2, Mr. Y. Nadkarni, learned counsel appearing for the respondent no.3 and Mr. N. Sardesai, learned Senior Counsel appearing for the respondent no.7.

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

3. The learned counsel appearing for the respective

respondents waive service.

4. The above PILWP inter-alia has been filed by the petitioners contending that there was a reclamation of riverine land at Dabolim village by the private respondent no.7. This Court by an interim order dated 01.12.2014 had inter-alia directed the respondent no.7 to maintain status quo with regard to the subject matter in dispute. Subsequently, the Local Panchayat filed an affidavit on 13.02.2015 along with a resolution and the show cause notice dated 13.02.2015 served on the private respondent no.7 with regard to the subject dispute. The GCZMA - respondent no.5 herein have also produced a show cause notice dated 18.02.2015 served on the respondent no.7 with regard to the subject matter in dispute. It is also not in dispute that the respondent no.5 has also issued a stop work order against the private respondent dated 12.02.2015 which is admittedly still in operation.

5. Taking note of the grievances raised by the petitioners which were essentially that no action was taken by the concerned authority with regard to the activities of reclamation of riverine land, we find that as action has been initiated by the respondent nos. 2 and 5 against the private

respondent no.7, the grievances of the petitioners have been substantially redressed at present. Needless to say that the respondent nos.2 and 5 shall proceed to decide and/or take action, if any, in terms of the said two notices dated 13.02.2015 and 18.02.2015 as expeditiously as possible after hearing all the parties in accordance with law.

6. At this stage, Mr. N. Sardesai, learned Senior Counsel appearing for the respondent no.7 upon instructions states that the respondent no.7 will abide with the stop work order dated 12.02.2015 until the final disposal of the show cause notice dated 18.02.2015 issued by respondent no.5. Accepting the said statement of Mr. N. Sardesai, the learned Senior Counsel appearing for the respondent no.7 as well as the statement of Mr. Nadkarni, learned Advocate General appearing for the GCZMA and Mr. Z. D'Souza, learned counsel appearing for the respondent no.2 that the said action initiated by the said respondent would be taken to its logical conclusion in accordance with law, we dispose of the above Writ Petition. We expect the authorities concerned to proceed with the show cause notice as expeditiously as possible within three months from today. The petitioners, if so advised, are at liberty to intervene in such proceedings before the respondent no.5. Rule

stands disposed of accordingly. All contentions of both the parties on merits are left open. The petition stands disposed of in above terms with no order as to costs.

K. L. WADANE, J

F. M. REIS, J

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