

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 349 OF 2015

THE SOCIETY OF JESUS XAVIER
RETREAT HOUSE, THROUGH ITS
DIRECTOR FR.RONALD D'SOUZA.

... Petitioner

Versus

THE STATE OF GOA, THROUGH CHIEF
SECRETRAY AND 6 ORS.,

... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioners.
Mr. Pravin Faldessai, Addl. Government Advocate for the
Respondent nos. 1 to 3 and 6.

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

Date:- 15th July, 2015

P.C.

Heard Shri Nigel Da Costa Frias, learned Counsel appearing for the Petitioners and Shri Faldessai, learned Counsel appearing for the Respondent nos.1 to 3 and 6.

2. Upon hearing the learned Counsel appearing for the Petitioners and the earned Addl. Government Advocate appearing for the Respondent nos. 1 to 3 and 6, the two main grievances of the Petitioner are that the Respondent no. 2 had unauthorisedly demolished the retaining wall belonging to the Petitioner and on account of such activity, there was a possibility of erosion of the land agt the site. The next grievance of the Petitioners was that at the higher level of the property there was some excavation and hill

cutting within the CRZ area in the property of the Petitioner.

3. Shri Faldessai, learned Addl. Government appearing for the Respondent nos. 1 to 3 and 6, has pointed out that as far as the retaining wall is concerned, there was an initial delay in completing the retaining wall because of the objections raised by the GCZMA. But, ultimately, after obtaining the requisite permission was obtained, the retaining wall had already been constructed and only five metres length on the other side of such wall remains incomplete which would be completed after the monsoon season. As such, as far as the first grievance of the Petitioners, at this stage, the same stands redressed accepting the said statement of the learned Addl. Government Advocate.

4. With regard to the second grievance of the Petitioners, it is pointed out by learned Addl. Government Advocate that on account of hill cutting, an FIR has already been lodged against the concerned person. But, however, Mr. Nigel Da Costa Frias, learned Counsel appearing for the Petitioner, pointed out that there was some excavation in the land which comes within the CRZ area which is reflected in the inspection report conducted on 19.03.2015 at page 37 of the Petition which, inter alia, records that towards the hill the existing footpath has been widened by cutting the face of the hillock. As far as the said grievance is concerned, the Respondent no. 6 shall proceed to examine such grievance after ascertaining whether such

activity has resulted in any breach of the provisions of the CRZ Notification and hearing the parties in accordance with law.

5. Subject to the above and with the above observations, the Petition stands disposed of.

K. L. WADANE, J.

F. M. REIS, J.

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