

**IN THE HIGH COURT OF BOMBAY AT GOA**

**PUBLIC INTEREST LITIGATION WP NO. 11 OF 2015**

MR. ARTURO CARLOS D'SOUZA. ... Petitioner  
Versus  
THE STATE OF GOA, THROUGH CHIEF  
SECRETARY AND 15 ORS., ... Respondents

Mr.. Ryan Da Piedade Menezes, Advocate for the petitioner.  
Mr.A. N. S. Nadkarni, Advocate General with Ms. P. Bhandari,  
Additional Government Advocate for the respondent nos. 1 to 6 and  
17.  
Mr. Shivan Desai, Advocate for the respondent no.16.

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

Date:- 24th June, 2015

P.C.

Heard Mr. Ryan Menezes, learned Advocate appearing for the petitioner, Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondent nos.1 to 6 and 17 and Mr. Shivan Desai, learned Advocate appearing for the respondent no.16.

2. The main grievance of the petitioner in the above Writ Petition inter alia is that despite of Stop Work Order dated 2.5.2015, directions therein were not implemented by the concerned respondent.

3. Shri Desai, learned counsel appearing for the private respondent no. 16 has stated inter alia in his affidavit that he has not committed any breach and as such the question of proceeding with any activity

with regard to stop work order would not arise.

4. Shri Nadkarni, learned Advocate General appearing for the respondent nos.1 to 6 and 17 has pointed out that show cause notice/stop work order dated 2.5.2015 shall be examined by the respondent/Collector after hearing the parties in accordance with law.

5. Learned Advocate General also brought to our notice an order dated 18.6.2015 inter alia disclosing that the permission sought by the private respondent came to be rejected. The said order is taken on record and marked 'X' for identification.

6. Considering that the concerned authority have already taken action with regard to alleged grievance of the petitioner, keeping all the contentions of both the parties including private parties open and keeping the right to challenged the order marked "X" for identification, we find it appropriate to dispose of the above Writ Petition.

7. Petition stands accordingly disposed of. All the contentions of both the parties on merits are kept open in the light of the observations made herein above.

8. Shri Menezes, points out that the petitioner desires to remain present at the time of hearing of the show cause notice.

9. Shri Desai points out that respondent no. 16 disputes locus of the petitioner. Keeping all these rival contentions open, the petitioner, if so advised, may file an appropriate application before the learned Collector at the hearing fixed on Monday for intervention which shall be examined by the learned Collector on its own merits.

K. L. WADANE, J.

F. M. REIS, J.

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