

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 445 OF 2015

MR.SAVIO TORCATO PEREIRA.

... Petitioner

Versus

MR. BALTAZAR FERNANDES.

... Respondent

Mr. J. Abreu Lobo, Advocate for the petitioner.

Mr. Zeller D' Souza, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 3rd September, 2015

P.C.

Heard Shri Lobo, the learned Counsel for the petitioner and Shri D'Souza, the learned Counsel for the respondent.

2. The petition challenges the order dated 05/05/2015 passed by the Conservator of Forests, by which the appeal filed by the petitioner, challenging the order dated 18/02/2015 passed by the Deputy Collector and Sub-Divisional Officer, Margao has been dismissed. The net result is that the order directing the petitioner to cut the coconut tree within one month from the receipt of order, as passed under Section 12-A of the Goa Preservation of Trees (Amendment) Act, 2008, stands confirmed. It is undisputed that in the interregnum, the tree has actually been cut. The learned Counsel for the petitioner submits that the tree is not cut by the petitioner, but has been cut by the Station Officer, Fire Station, Margao on 30/06/2015. It is

submitted that the petitioner would take recourse to appropriate remedy for compensation and/or disobedience of the order of the stay. In that view of the matter, the learned Counsel for the petitioner, on instructions, seeks permission to withdraw the Writ Petition.

3. The petition is disposed of as withdrawn, with no order as to costs. The amount of Rs.5,000/- deposited in compliance of the order dated 26/06/2015 be returned to the petitioner. It is made clear that the rival contentions of the parties are kept open.

C. V. BHADANG, J.

SMA