

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

**WRIT PETITIONS NO. 403/2007 & 659/2010.**

**WRIT PETITION NO.403/2007**

PEOPLE'S MOVEMENT FOR  
CIVIC ACTION AND ANOTHER ..... PETITIONERS.

V/S.

GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AND OTHERS. .... RESPONDENTS.

Ms. Norma Alvares, Advocate for the petitioners.

Mr. M. Salkar, Government Advocate for respondents no. 1, 3 and 4.

Shri S. D. Lotlikar, Senior Advocate with Ms. M. Furtado, Advocate  
for respondent No.2.

Mr. J. P. Supekar, Advocate for respondents no.6 and 7.

**WRIT PETITION NO. 659/2010**

PEOPLE'S MOVEMENT FOR  
CIVIC ACTION AND ANOTHER ..... PETITIONERS.

V/S.

HOTEL "GRAND HYATT"  
AND OTHERS. .... RESPONDENTS.

Ms. Norma Alvares, Advocate for the petitioners.

Mr. J. Supekar, Advocate for respondent No.3.

Mr. M. Salkar, Government Advocate for respondents no. 5 and 7.

Shri S. D. Lotlikar, Senior Advocate with Ms. M. Furtado, Advocate for respondent No.8.

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

**Date : - 12<sup>th</sup> MARCH, 2015.**

**P.C. :**

Heard Ms. Norma Alvares, learned Counsel appearing for the petitioners, Shri M. Salkar, learned Govt. Advocate appearing for the State of Goa and its Authorities, Shri S. D. Lotlikar, learned Senior Counsel appearing for the Village Panchayat and Shri J. P. Supekar, learned Counsel appearing for respondents No.6 and 7 in WP No.403/2007 and respondent No. 3 in WP No.659/2010.

2. In view of the divergence in the opinion by the Members of the Division Bench while disposing of the above writ petitions, the Honourable the Chief Justice made a reference to the Third Judge viz. U.V. Bakre, J. in terms of the provisions of Section 98(2) of the Code of Civil Procedure. The learned Judge has passed the judgment dated 20<sup>th</sup> January, 2015 *inter alia* holding at para 16 that :

“In view of the discussion supra, I agree with the findings of my learned brother, Shri F.M. Reis, J. on

the effect of the judgment dated 31.03.2010, in Writ Petition (C) No.329/2008 on the status of the impugned construction and with the reliefs granted by brother Shri F.M. Reis, J. Reference, therefore, is answered accordingly”.

3. In view of the said observations, our learned Brother U.V. Bakre, J. has agreed with the view taken by one of us (F.M. Reis, J.), Therefore, in view of the majority view, Rule is made absolute in terms of the directions in the judgment delivered by one of us (F.M. Reis, J.) dated 26<sup>th</sup> February, 2014.

4. After passing of this order, Shri Supekar, learned Counsel appearing for respondents No.6 and 7, prays for some time to deposit the amount of costs in terms of the Judgment dated 26<sup>th</sup> February, 2014. The learned Counsel appearing for the petitioners has no objection. Hence, eight weeks' time is granted to the said respondents to pay the costs referred to in the Judgment dated 26<sup>th</sup> February, 2014

**K.L. WADANE, J.**

**F.M. REIS, J.**

ssm.