

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO.606 of 2013.**

1. The Goan Traditional Shack  
Owners Association,  
a society registered under the  
Societies Registration Act,  
represented by its President,  
Mr. Manuel S. Cardozo,  
having its registered office at  
'Gauravado,' Calangute, Bardez,  
Goa. (Reg No.522/Goa/2009)
2. Shri Rajan @ Rajendra Vishwanath  
Kerkar,  
s/o Shri Vishwanath D. Kerkar,  
major of age, Indian,  
resident of House No.1/143/A,  
Gaura Vaddo, Calangute,  
Bardez, Goa.
3. Shri Lourenco Fernandes,  
s/o Shri Jose Fernandes,  
major of age, Indian, resident of  
House No.117/6, Khobra Vaddo,  
Calangute, Bardez, Goa.
4. Shri Manuel S. Cardozo,  
s/o Shri Sebastian Cardozo,  
major of age, Indian,  
resident of House No.5/41,  
Moddo Vaddo, Calangute,  
Bardez, Goa.
5. Shri Sandesh Julian  
s/o Shri Peter Julian,  
major of age, Indian,  
resident of House No.3/86,  
Tivai Vaddo, Calangute,  
Bardez, Goa .. Petitioners

**VERSUS**

1. The State of Goa  
through its Chief Secretary,  
having his office at the

Secretariat, Porvorim,  
Bardez, Goa.

2. Department of Tourism,  
through its Director,  
having his office at  
Panaji, Goa. .. Respondents

**AND**

Shack Owners Welfare Society-  
Goa, a society registered under the  
Societies Regn. Act, 1860, having  
its Regd. Address at 914, Camotim,  
Candolim, Bardez-Goa, Through  
its President Mr. Cruz Cardozo,  
s/o Mr. Issac Cardozo, aged about  
44 years, r/o H.N.330B, Tibet,  
Cavellosim, Salcete, Goa. .. Intervenor

Mr. Ryan Da Piedade Menezes, Advocate for the petitioners.

Ms. S. Mordekar, Additional Government Advocate for the  
respondent nos.1 and 2.

Ms. S. Kurtikar, Advocate for the intervenor.

**CORAM :- F. M. REIS, &**

**C. V. BHADANG, JJ**

**DATE : 30<sup>th</sup> November, 2015**

**ORAL JUDGMENT :** (Per F. M. REIS, J.)

Heard Shri Ryan Menezes, the learned Counsel  
appearing for the petitioners, Ms. Mordekar, the learned  
Additional Government Advocate appearing for the respondent  
nos.1 and 2 and Ms. Kurtikar, the learned Counsel appearing for  
the intervenor.

2. The challenge in the above writ petition is to the shack policy formulated by the State Government for the years 2013 to 2016, for erecting shacks on the coastal beaches of the State of Goa.

3. In the course of the hearing of the above writ petition, it was not disputed by Shri Menezes, the learned Counsel appearing for the petitioners that the shack policy would expire on or about 31/05/2016 and in fact, in accordance with the said policy, the successful shack occupants have already started their business activities. The learned Counsel further submits that a fresh shack policy will be formulated by the State Government, after the expiry of the period of said policy. In such circumstances, Shri Menezes, the learned Counsel appearing for the petitioners submits that the petitioners desire to make a representation, stating some suggestions for the fresh policy, which is intended to be formulated, after the expiry of the existing shack policy for the years 2013 to 2016. The learned Counsel, as such, submits that reserving the right of the petitioners to make such a representation, the petition may be disposed of as infructuous.

4. The learned Additional Government Advocate

appearing for the respondents submits that the State Government has not yet taken a decision that a new shack policy would be formulated, but however, a new policy would be in place, after the expiry of the existing shack policy.

5. In view of the above, we pass the following order :

ORDER

- (i) The petition stands dismissed as infructuous. However, the petitioners are at liberty to make a representation to the concerned authorities, submitting their suggestions, which shall be examined on its own merits in accordance with law. Such representation shall be filed within three months from today. Needless to say that the said representation, if filed, shall be examined by the concerned authorities before finalising a fresh shack policy, after the expiry of the existing policy.
- (ii) The petition stands disposed of accordingly, with no order as to costs.

C. V. BHADANG, J.

F. M. REIS, J.

SMA