

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 694 OF 2008

Mr. Mayuresh Manohar Palni
Major, Law Graduate,
Social activist,
r/o. H. No. 400, Vainguinvaddo
Nachinola,
Bardez, Goa.

... Petitioner

V e r s u s

1. State of Goa,
Through its Secretary,
Government Secretariat,
Alto Porvorim,
Bardez, Goa.
2. The Secretary (Home)
Home Department,
Government of Goa,
Secretariat,
Panaji, Goa.
3. The Captain of Ports,
Government of Goa,
Dayanand Bandodkar Marg,
Panaji, Goa
Govt. of Goa,
Panaji, Goa.
4. The Member Secretary
Goa Coastal Zone Management Authority,
Department of Science, Technology &
Environment
Opp. Saligao Seminary
Saligao,
Bardez, Goa.
5. City Corporation of Panaji,
through its Commissioner,
Municipal Buiding,
Panaji, Goa.
6. Goa Coastal Resorts and Recreation
Pvt. Ltd.,
Through its Executive Director
Tarun Khatter
Casa Pasha, 894/10

Porvorim,
Near Socorro Panchayat,
Bardez, Goa.

... Respondents

Mr. Rui Gomes Pereira, Advocate for the Petitioner.

Ms. Priyanka Kamat, Addl. Government Advocate for the Respondent nos. 1 to 4.

Mr. Parag Rao, Advocate for the Respondent no. 6.

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

Date : **18th February, 2015**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri Rui Gomes Pereira, learned Counsel appearing for the Petitioner, Ms. Priyanka Kamat, learned Addl. Government Advocate appearing for the Respondent nos. 1, 2, 3 and 4 and Mr. Parag Rao, learned Counsel appearing for the Respondent no. 6.

2. The main grievance of the Petitioner in the present Petition is essentially that the Captain of Ports have issued permission to the Respondent no. 6 in terms of the NOC dated 21.07.2008, inter alia, imposing different conditions subject to which the Respondent no. 6 was permitted to instal Mooring Dolphin as securing to facilitate the casino operations by the Respondent no. 6 in the Vessel M. V. Pride of Goa. It was pointed out by the learned Counsel appearing for the Petitioner that despite of a condition therein that the Respondent no. 6 had to obtain permissions from the CRZ Authorities and other statutory authorities, no such permissions were obtained by the Respondent no. 6. It was also pointed out by the learned Counsel that the permission was to install some temporary structure though, according to him, what was intended by the Respondent no. 6 was to build a permanent RCC structure.

3. Shri Parag Rao, learned Counsel appearing for the Respondent no. 6, during the course of the hearing, upon instructions, has pointed out that no such structure has been constructed by Respondent no. 6 nor they have any intention to act upon the said permission issued by the Captain of Ports dated 21.07.2008. Learned Counsel further pointed out that Respondent no. 6 shall not act upon the said letter dated 21.07.2008 in connection with the operations carried out by the Respondents. Shri Parag Rao, learned Counsel appearing for the Respondent no. 6, also produced the photograph which is marked 'X' for identification.

4. The learned Addl. Government Advocate, on instructions from Respondent no. 3-Captain of Ports, states that in fact, according to the Respondent no. 3, no structures are existing at the site.

5. In such circumstances, upon accepting the statement of Shri Parag Rao, learned Counsel appearing for the Respondent no. 6, the grievance of the Petitioner does not survive. Needless to say, the Respondent no. 3 shall ensure that no structure is put up by the Respondent no. 6 in terms of the said letter dated 21.07.2008.

6. As such, the above Petition stands disposed of accordingly. Rule stands discharged with no Order as to costs.

K. L. WADANE, J.

F. M. REIS, J.

arp/*