

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1021 OF 2015

SHRI.MOHAN PARSHURAM GAONKAR AND 3
ORS.,

... Petitioners

Versus

STATE OF GOA, THROUGH ITS CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Mr. Devidas J. Pangam, Advocate for the petitioners.

Mr. S. S. Rebello, Additional Govt. Advocate for the respondents.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 23rd December, 2015

P.C.:

Heard Mr. D. Pangam, learned Counsel appearing for the petitioners and Mr. S. S. Rebello, learned Additional Government Advocate appearing for the respondents.

2. The above petition, inter alia, seeks for a writ or direction to the respondents to consider the representation of the petitioners dated 12th November, 2015 with regard to transportation of ore from the mines in Goa in the context of the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013.

3. Mr. Pangam, learned Counsel appearing for the petitioners submits that the said Rules, which are in force, inter alia, contemplate that a mechanism has to be worked out to regulate transportation of

minerals from the concerned mines. The learned Counsel further submits that the petitioners have made a representation dated 12th November, 2015 with that regard to the State Government which has yet not been considered. The learned Counsel, as such, points out that the respondents be, accordingly, directed to examine said representation, in accordance with law.

4. On the other hand, Mr. S.S. Rebello, learned Additional Govt. Advocate appearing for the respondents submits that the respondents are willing to examine the representation, in accordance with law within six weeks. But, however, it may be clarified that the interim order passed by this Court dated 21st June, 2010 in Writ Petition No.256/2009 and the order dated 22nd April, 2010 passed in Writ Petitions No. 256 and 320/2009 should not come in the way of the respondents examining such representation.

5. Mr. Pangam, learned Counsel appearing for the petitioners, however, submits that the aforesaid writ petitions have already been disposed of and, as such, according to him, the interim orders passed therein would not survive. The learned Counsel further submits that in any event, as the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013 have come into force on 17th October, 2013, the said interim orders would not come in the way of the respondents examining such representation.

6. We have considered the submissions of the learned Counsel and we have gone through the records. Considering that the writ petitions have already been disposed of, the interim orders passed therein would no longer survive.

7. The respondents shall examine such representation expeditiously in accordance with the statement of the learned Additional Govt. Advocate. The interim orders passed in the said writ petitions will not come in the way of the respondents examining the representation dated 12th November, 2015 on its own merits, in accordance with law, taking note of the fact that the new Rules are already in place. All contentions of both the parties are left open.

8. With the aforesaid directions, the petition stands disposed of.

C. V. BHADANG, J.

F. M. REIS, J.

ssm.