

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 380 OF 2016**

Mr. Pritidas M. Sawant,
son of Freedom Fighter,
Mahadev Sawant,
aged 41 years, businessman,
married, Indian National,
r/o H. No. 416, Dabholwada,
Chapora, Anjuna, Bardez Goa.

... Petitioner

Versus

1. State of Goa,
through its Chief Secretary,
having office at Secretariat,
Porvorim Goa.
2. Goa Coastal Zone Management
Authority,
C/o Office at 3rd Floor,
Dempo Towers, Patto,
Panaji Goa.

... Respondents

Mr. Shivan Desai, Advocate for the petitioner.

Mr. R. Shivolkar, Addl. Government Advocate for the respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 7th April, 2016

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

Heard Mr. Shivan Desai, learned counsel appearing for
the petitioner and Mr. R. Shivolkar, learned Addl. Government

Advocate appearing for the respondents.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned Addl. Government Advocate waives service on behalf of the respondents.

4. Upon hearing the learned counsel appearing for the petitioner and the respondents, the undisputed fact which culled out from such contention is that the impugned order dated 21.03.2016 was passed by the respondent no.2 without giving a hearing to the petitioner.

5. The learned Addl. Government Advocate points out that such hearing was not given as the impugned order was passed based on the directions issued by the learned N.G.T.

6. Mr. Shivan Desai, learned counsel appearing for the petitioner points out that there was no observation in such directions that the petitioner should not be heard before passing such order.

7. Taking note of the above, we find that the impugned

order was passed in gross breach of the principle of natural justice and without giving an adequate hearing to the petitioner which ultimately deprived the petitioner the beneficial effect of an alleged permission issued by the respondent no.2 which was under dispute. In such circumstances, we find that the impugned order stands vitiated and deserves to be quashed and set aside. Needless to say that the respondent no.2 shall proceed to take a fresh decision in terms of the directions issued by the learned N.G.T. after hearing the petitioner and the concerned parties in accordance with law.

8. In view of the above, we pass the following :

ORDER

- (i) The impugned order dated 21.03.2016 is quashed and set aside.
- (ii) The matter is remanded to the respondent no.2 to comply with the directions of the learned N.G.T. in the order dated 08.01.2016 afresh after hearing the petitioner and the other concerned parties within three months in accordance with law.
- (iii) Rule is made absolute in above terms.
- (iv) The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J

F. M. REIS, J

at*