

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 714 OF 2016

Mr. Shashank Trivedi,
son of Shri Ashok Kumar Trivedi,
aged 37 years, married,
service, Indian National,
resident of H. No.58,
Rangavi Estate, Issorcim Goa.
Through his power of Attorney Holder,
Mrs. Nidhi Trivedi,
aged 29 years, married,
Indian National,
resident of H.No.58,
Rangavi Estate, Issorcim Goa.

... Petitioner

V e r s u s

1. State of Goa,
through Chief Secretary
Secretariat,
Government of Goa,
Porvorim Goa.
2. Chief Conservator of Forests,
Office of Chief Conservator of Forests,
Gomantak Maratha Samaj Building,
Panaji Goa.
3. Dy. Conservator of Forest,
South Goa Division,
Margao Goa.
4. Member Secretary,
South Goa Private Forest Committee,
having office at Aquem,
Margao Goa.

5. Town and Country Planning
Department,
having office at Vasco Goa. Respondents

Mr. Shivan Desai, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. P. Dangui, Addl.
Government Advocate for the respondents.

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

Date:- 2nd August, 2016

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

Heard Mr. Shivan Desai, learned counsel appearing for
the petitioner and Mr. S. D. Lotlikar, learned Advocate General
appearing for the respondents.

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

3. Mr. P. Dangui, learned Addl. Government Advocate
waives service on behalf of the respondents.

4. Upon hearing the learned counsel appearing for the

respective parties, the grievance of the petitioner at this stage is that an application for technical approval submitted by the petitioner to the respondent no.5 has not been accepted as the petitioner was called upon to obtain a N.O.C. from the Forest Department in respect of plot no.10 located in the property surveyed under Nos.11/45 to 11/48. It is the contention of the petitioner that the subject plot is a sub divided plot which has been approved by the concerned authorities after obtaining all the permissions including an N.O.C. from the concerned Forest Department. It is further pointed out that as such the direction of the respondent no.5 to obtain a N.O.C. from the Forest Department again is not at all justified.

5. Mr. S. D. Lotlikar, learned Advocate General submits that the application for technical approval shall be examined by the concerned authorities expeditiously in accordance with law. It is also pointed out that the subject plot is sub divided plot which is a part of the approval granted after obtaining the N.O.C. from the Conservator of Forests on 14.02.2008.

6. In view of the above, we find it appropriate to direct the

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concerned official from the Forest Department to have a site inspection after giving a notice to the petitioner and examine whether the subject plot is located in a private plot or not and give a report to enable the petitioner to submit the application for technical approval before the respondent no.5 within one month from the date of the receipt of this order. Rule stands disposed of accordingly. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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