

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.190 OF 2017
IN
WRIT PETITION 333 OF 1993

The Goa Foundation ... Applicant
Versus
The North Goa Planning & Development ... Respondents
Authority & Ors

Ms N Alvares, *Advocate for the Applicant.*
Mr Dattaprasad Lawande, *Advocate General with Mr P Dangui,*
Addl. Government Advocate for the Respondents.

WITH
MISC. CIVIL APPLICATION NO.503 OF 2017
IN
MISC. CIVIL APPLICATION NO.224 OF 2017
IN
WRIT PETITION 333 OF 1993

Goa Coastal Zone Management Authority ... Applicant
Versus
The Goa Foundation ... Respondent

Ms N Alvares, *Advocate for the Respondent.*

WITH
MISC. CIVIL APPLICATION NO.224 OF 2017
IN
MISC. CIVIL APPLICATION NO.274 OF 2016
IN
WRIT PETITION 333 OF 1993

Goa Coastal Zone Management Authority	... Applicant
<i>Versus</i>	
The Goa Foundation	...Respondent

Ms N Alvares, Advocate for the Respondent.

CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ
DATED: 21st August 2017

PC:-

1. We have before us a number of Civil Applications.
2. MCA No 190 of 2017 seeks a direction to the Registrar of this Court to ensure payment to the Petitioner of costs as ordered and awarded by this Court's judgement dated 29th June 2015 in Writ Petition No 333 of 1993. This is surely not an application that can be either opposed or requires our intervention. It is sufficient to direct the Registrar to take the necessary steps.
3. MCA No 224 of 2017 seeks that a delay of 13 days in filing this MCA be condoned, and that the Goa Coastal Zone

Management Authority (GCZMA), be granted two months' time to comply with a previous order of 24th October 2016.

4. MCA No 503 of 2017 similarly seeks a condonation of delay and time of one month to comply with a previous order dated 3rd April 2017. The order of 3rd April 2017 was itself on an application for extension made in MCA No 224 of 2017 to comply with the directions passed on 24th October 2016. That extension was granted. The order of 24th October 2016 is, so far as these MCAs are concerned, the one to which we must direct our attention.

5. Paragraph 3 of that order notes the directions issued in the principal judgement of 29th June 2015. It also notes the grievance made by the Petitioner that these directions remained without compliance for an inordinate length of time.

6. In paragraph 5 the then learned Advocate General submitted that an expert had been appointed to examine and identify the high tide line. Paragraphs 8 and 9 of that order read thus:

"8. Upon hearing the learned Counsel appearing for the respective parties, we find that this Court had in fact indicated the manner in which the exercise has to be carried out in paras 28, 34 and 35 of the said Judgement. This Court had also observed that such an exercise would have to be carried out by the GCZMA which was the Authority constituted under the Environment Protect Act to examine environmental issues. In such circumstances, we find that constituting a Seven Member Committed, keeping aside the GCZMA by the concerned Respondents is not at all justified. As rightly pointed out by the learned Counsel

appearing for the Petitioner, the HTL would have to be identified in terms of the directions issued by this Court in the said Judgement.

9. In such circumstances, we are not inclined to accept the report filed by the Respondents which is stated to be in compliance with the directions issued by this Court in the said Judgement as the directions issued are not in conformity of our Judgement. As such, we direct the GCZMA duly constituted under the Environment Protect Act, to comply with the directions issued by this Court in the said Judgement dated 29/06/2016 in Writ Petition No.333/1993. Needless to say, the HTL would have to be identified in accordance with the Environment Protect Act, 1986 and the CRZ Notification of 1991, within three months. It is made clear that we have not conclusively examined the correctness of the report though, on bare perusal of the said report, the exercise has been carried out on the basis of the High Water Line, which was not the direction issued in the said Judgement."

7. The directions in paragraph 9 are evidently the ones remained pending compliance.

8. Mr Lawande, learned Advocate General, points out that exercise has been done, though not by the stipulated dates. A site visit has been made. There is a report that is filed. It is part of the compilation tendered to us. He submits that the report was filed on 2nd August 2017, later than it ought to have been by a period of about 10 days. The question of granting an extension of time to comply with the previous directions therefore does not survive, now

that the report is on file. MCA Nos 224 of 2017 and 503 of 2017 are accordingly disposed of in these terms.

9. We will separately take up the Contempt Petition filed by the Petitioners.

NUTAN D. SARDESSAI J.

G. S. PATEL J.