

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.497 OF 2017.

Mr. Armando Barreto, s/o late
Roque Barreto, aged 61 years,
agriculturist, r/o. H. No.409/A,
Sucklem, Curtorim, Salcete-Goa. Petitioner.

Versus

- 1 State of Goa, through the
Chief Secretary, Government
of Goa, With office at
Secretariat, Porvorim, Goa.
- 2 Goa Coastal Zone
Management Authority, 1st
Floor, Deendayal Updhyay
Bhavan, Near Pundalik
Devasthan, Pundalik Nagar,
Provorum, Goa 403521.
- 3 Dy. Collector & S.D.O. of
Salcete, Office of the Dy.
Collector & S.D.O., Salcete,
Goa.
- 4 Mr. Jamie Rodrigues, r/o. H.
No.421, Bandol, Curtorim,
Salcete, Goa.
- 5 Mrs. Judith A. B. Almeida, r/o
257/1, Bagdem, Ward 3,
Colva, Salcete, Goa 403708. Respondents.

Mr. J. Lobo, Advocate for the petitioner.

Mr. D. Lawande, Advocate General with Mr. A. Gomes Pereira,
Addl. Govt. Advocate for the respondent nos.1 to 3.

Mr. Nigel Costa Frias, Advocate for the respondent no.5.

**Coram:-F. M. REIS,
PRITHVIRAJ K. CHAVAN, JJ.**

Date:-8th June, 2017.

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

Heard Mr. J. Lobo, learned Counsel for the petitioner, Mr. D. Lawande, learned Advocate General for the respondent nos.1 to 3 and Mr. Nigel Costa Frias, learned Counsel for the respondent no.5.

2. Rule. Heard forthwith with the consent of the learned Counsel appearing for the parties.

3. The learned Advocate and Addl. Govt. Advocate waive notice on behalf of the respective respondents.

4. During the course of hearing of the above petition, it was pointed out by Mr. J. Lobo, learned Counsel appearing for the petitioner that after the order for demolition was passed by the respondent no.2 the petitioner has filed an application dated 18.4.2017 for review of the said order on the ground that some contentions raised by the petitioner were not

considered. It is further pointed out that such application has not yet been disposed of and, as such, according to him, grave and irreparable injustice would occasion to the petitioner in case in the meanwhile order of demolition is acted upon.

5. Mr. Dattaprasad Lawande, learned Advocate General states that the respondent no.2 shall decide such application on its own merits in accordance with law within 8 weeks from today.

6. Mr. Nigel Costa Frias, learned Counsel for the respondent no.5 submits that the petitioner has not furnished a copy of the review application and as such, the question of allowing the petitioner to further encroach into the river on the garb that such application is pending would not at all be justified. The learned Counsel further submits that such application is not maintainable in law and as such the respondent no.5 should also be heard at the time of hearing of such application.

7. Mr. J. Lobo, learned Counsel for the petitioner upon instructions states that the petitioner shall maintain status quo

in respect of the subject construction until the application is decided by the respondent no.2.

8. In the peculiar facts and circumstances of the case, the above petition stands disposed of by accepting the statement of the learned Advocate General that the subject application for review shall be decided within 8 weeks and also accepting the statement of the learned Counsel appearing for the petitioner upon instructions that status quo shall be maintained of the subject structure until such application is disposed of. Needless to note that we have not gone into the merits of the case or the maintainability of such application which shall be considered by the respondent no.2 after hearing the concerned parties including respondent no.5 in accordance with law.

9. Rule stands disposed of in the above terms.

PRITHVIRAJ K. CHAVAN,J.

F. M. REIS, J.

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