

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 550 OF 2017

M/S. ALEIXO RESORTS AND PROPERTIES
PVT. LTD., REP. BY ITS DIRECTOR,
WILFRED M. DE SOUZA AND ANR.,

... Petitioners

Versus

THE STATE THROUGH CHIEF SECRETARY,
GOVT. OF GOA AND 5 ORS.,

... Respondents

Shri J.E. Coelho Pereira, Senior Advocate with Shri Somnath B. Karpe, Advocate for the Petitioners.
Shri Vishwadh Sardessai, Additional Government Advocate for the Respondents No.1 & 2.

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

Date:- 10th July, 2017

ORAL ORDER :

Heard the learned Counsel for the parties. The grievance of the petitioners is to a permission granted by the respondent no.3 to install a floating jetty in the property which according to the petitioners partly belongs to them.

2. The respondents no.1 & 2 have filed an affidavit inter alia stating that such permission was valid up to 31/06/2016 and that the respondent no.5 had in fact filed an application for renewal which was thereafter withdrawn by a letter dated 9/06/2016. The respondents no.1 & 2 in their affidavit have stated at para 13 thus:

"13. I say that the Respondent no.5 after obtaining NOC

dated 30.05.2012 from this Department whenever his renewal was due, Respondent no.5 applied promptly within time to this Department for renewal of his NOC dated 30.05.2012. I further say that on 09.06.2016 the Respondent no.5 had applied for renewal of NOC which was going to be expired on 30.06.2016. I say that the NOC of the Respondent no.5 is not renewed beyond the period of 30.06.2016 on account of matter is subjudice before Vigilance Department."

3. The subject permission no longer survives. The learned Additional Government Advocate, upon instructions of the authorised Officer Shri A. Frias, Marine Inspector, on behalf of the respondent no.3 has pointed out that the respondent no.3 shall not permit any activity to be carried out by the respondent no.5 on the subject jetty and shall take all measures to dismantle such jetty within three months from today.

4. Accepting the said statement of the learned Additional Government Advocate, upon instructions of the said authorised Officer, we find that the above petition can be disposed off. The petition is accordingly disposed off. Place the matter for compliance report after three months.

NH