

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.638 OF 2017**

1. Smt. Kiran S. Desai,
Indian National, married,
Major of age,
wife of Dr. S.N. Desai.
2. Dr. Shantanu N. Desai,
Indian National, married,
Major of age,
Son of Shri Narayan Desai.
Both residents of “Shnatai”,
house No.52/1, Behind
Chicalim Cottage Hospital,
Alto Chicalim, Goa.

.... Petitioners.

V/s

The Goa Coastal Zone
Management Authority,
through its Member Secretary,
Having Office at 3rd Floor,
Dempo Towers, Patto,
Panaji-Goa, 403 001.

.... Respondents.

Shri A. Kamat, Advocate for the Petitioners.
Ms. Amira Razaq, Advocate for the Respondents.

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

DATE : 19th JULY, 2017

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

Heard. Rule. Heard forthwith with the consent of the learned
Counsel. Learned Counsel appearing for the respondent waives service.

2. A short point for consideration is whether the impugned order dated 26/05/2017 stands vitiated as the principles of natural justice have not been followed. The learned Counsel for the petitioners points out that though the petitioners were given a show cause notice and a reply was filed, nevertheless the date of the hearing was not communicated to the petitioners. It is further pointed out that the impugned order came to be passed without following the principles of natural justice which calls for interference of this Court. The learned Counsel also pointed out that the petitioners have a good case on merits.

3. On the other hand, Ms. Amira Razaq, learned Advocate for the respondent submitted that in fact a notice of the hearing was sent to the petitioners though it was returned unclaimed. The learned Counsel further submits that though the petitioners have been duly served at the address as mentioned in the notice, in the interest of justice the respondents shall give a hearing to the petitioners and take a fresh decision.

4. Having heard the learned Counsel and as the impugned order came to be passed without giving a hearing to the petitioners, we find that the

impugned order dated 26/05/2017 deserves to be quashed and set aside and the respondents be directed to take a fresh decision on the show cause notice dated 5/07/2016 after giving a hearing to the petitioners. To avoid a controversy in the matter, with the consent of the learned Counsel the date of hearing is fixed on 8/08/2017 at 3.30 p.m. at the office of the respondents. The petitioners waive service of such notice as the learned Counsel has accordingly accepted the date of hearing of such hearing. Rule stands disposed off in the the above terms. All the contentions of the parties are left open. The petitioners, if so advised, are at liberty to file an additional reply within one week from today. In case notices are to be issued to any other concerned parties, the respondents are at liberty to proceed to issue such notices of the date of hearing in accordance with law. The above petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F.M.REIS, J.

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