

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 15 OF 2017

SHRI. AMIT C. PRABHU AND ANR., ... Petitioners
Versus
CHIEF OFFICER, CANACONA MUNICIPAL
COUNCIL., ... Respondent

Shri Prasheen Lotlikar, Advocate for the petitioners.
Shri Sudesh Usgaonkar, Advocate for the respondent.

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

Date:- 20th February, 2017

P.C.

Heard Shri P. S. Lotlikar, learned Counsel appearing for the petitioners and Shri Sudesh Usgaonkar, learned Advocate for the respondent.

2. The grievance of the petitioner is essentially that the grounds on which the respondent has issued the show cause notice dated 22.11.2016 are untenable in law. The learned Counsel has taken us through the subject show cause notice to point out that it is the contention of the respondent that condition no. 40 of the licence has not been complied with i.e permission to cut coconut trees has not been obtained. The learned Counsel further submits that there is no requirement of permission to cut the coconut trees and as such, the ground on which the show cause notice has been issued is untenable in law and, as such, the show cause notice

deserves to be quashed and set aside.

3. On the other hand Shri Sudesh Usgaonkar, learned Counsel appearing for the respondent has pointed out that though no permission is required for cutting coconut trees in terms of the relevant provisions of law, nevertheless, according to him, the petitioners had cut different other trees which led to the subject show cause notice. It is further pointed out that infact the petitioners have already produced license to cut the other trees and a decision on the show cause notice would be taken by the respondent within two weeks from today.

4. Upon hearing the learned Counsel the grounds mentioned in the show cause notice that there was a breach of clause 40 as coconut trees were cut without permission would no longer survive. But however the above petition stands disposed off accepting the statement of Shri Usgaonkar, learned Counsel for the respondent upon instructions that a decision on the subject show cause notice based on the reply submitted by the petitioners would be taken within two weeks from today. The petition stands disposed off accordingly.

5. Authenticated copy of this order be expedited.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.