

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO.118/2018**

1. UNDIR PARYAVARAN SAURAKHXAN MANCH
A Society registered under the Societies
Registration Act, 1860, having its office
at Shree Mharu Rampanchayatan Devasthan,
Undir, Bandora, Ponda-Goa,
Through its President,
Shri.Mukund K.Naik,
Son of Kashinath Naik,
50 years old, married, Indian National,
Resident of H.No.140/C,
Undir, Bandora, Ponda-Goa.
2. Shri.Mukund K.Naik,
Son of Kashinath Naik,
50 years old, married, Indian National,
Resident of H.No.140/C,
Undir, Bandora, Ponda-Goa.

PETITIONERS.**VERSUS**

1. State of Goa,
through its Chief Secretary,
Government of Goa, Goa Secretariat,
Alto Porvorim, Bardez, Goa -403 521.
2. Sewerage & Infrastructural Development
Corporation of Goa Ltd; through its,
Managing Director,
having its office at Ishan Building'
2nd Floor, Opp.Corporation of City of Panaji,
Panaji-Goa.
3. Public Works Department.
Through its Superintending Engineer,
having its office at Altinho,
Panaji-Goa.

4. Goa State Pollution Control Board,
through its Member Secretary,
having its office at Dempo Towers,
Patto Plaza, Panaji-Goa.
5. Goa Coastal Zone Management Authority,
Department of Science, Technology & Environment,
Government of Goa, through its
Member Secretary,
having its office at 1st Floor,
Pandit Deendayal Upadhyay Bhavan,
Office of the Directorate of Planning
Statistics & Evaluation,
Opp. Pundalik Devasthan, Pundlik Nagar,
Porvorim, Bardez-Goa. 403521.
6. The Village Panchayat of Bandora,
through its Secretary with office at
Bandora, Ponda-Goa.

RESPONDENTS.

Mr.V.P.Thali, Advocate for the petitioners.
Mr.Pravin Faldessai, AGA for respondents no.1,3 and 5.
Mr.A.D.Bhobe, Advocate for respondent no.2.

**CORAM: SHANTANU S.KEMKAR &
PRITHVIRAJ K.CHAVAN, JJ.
DATED : 24.01.2018.**

ORAL JUDGMENT (Per Shantanu S.Kemkar, J.)

1. Rule. Heard forthwith at the stage of admission
and disposed of.

2. The petitioners are challenging the construction
license dated 23.10.2017 issued by sixth respondent and is
seeking mandamus restraining respondent nos. 1 to 4 from
setting up any STP in the property bearing no.119/0 of

Village Bandora at Ward Undir on the ground that it being an Ecologically Sensitive Area.

3. We find that against the Resolution dated 11.10.2017, on the basis of which impugned construction license was issued vide order dated 23.10.2017 by sixth respondent has been challenged by the petitioners before the Director of Panchayats by invoking Section 178 of the Goa Panchayat Raj Act, 1994. In the circumstances, when the petitioners have already availed the alternative remedy for setting aside and quashing the impugned resolution, which has culminated into passing of the order, we are not inclined to entertain the matter.

4. Keeping in view of fact that the petitioners have filed the application along with a stay application under Section 178 of Goa Panchayat Raj Act, 1994 on 22.11.2017 and it has not been decided as yet, we are of the view that this petition deserves to be disposed of by directing the Director of Panchayats to dispose of the application for stay/the main application itself as expeditiously as possible. The application for stay shall be decided within a period of two weeks from the date of receipt of copy of this order. The main application to be decided within six weeks from the

date of receipt of this order.

5. With the aforesaid directions, the petition is disposed of.

PRITHVIRAJ K.CHAVAN, J.

SHANTANU S.KEMKAR J.

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