

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.459 OF 2018

Mrs. Judith Rodrigues

... Petitioner

Versus

State of Goa & Anr.

.... Respondents

Mr. Joseph Vaz and Mr. Terence Vaz, Advocates for the Petitioner.

Mr. D. Lawande, Advocate General with Mr. A. Gomes Pereira,
Additional Government Advocate for the Respondents.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 17 April 2018.

P.C. :

By this petition, the Petitioner has sought direction to Respondent Nos.1 and 2 to process the file of the Petitioner within a time bound schedule.

2. Heard the learned counsel for the Petitioner.

3. In the Petition, the Petitioner has stated in paragraph 19 as under :

“The Petitioner received a letter dated 1 March 2018 from the Respondent No.2 along with the order of the National Green Tribunal, that the matter in respect of the application made by the Petitioner had been deliberated and discussed at the 164th GCZMA meeting held on 29 November 2017 and that after detailed discussion and deliberation decided to defer the matter of granting NOC to the Petitioner in view of the order dated 22 November 2017 passed by the Hon'ble NGT Delhi, on OA 424/2016 and OA 11/2014. Hereto annexed as Annexure 12 is a copy of the said letter and order dated 22 November 2017.”

4. It appears that therefore the Board has not processed the application in view of the order passed by the National Green Tribunal dated 22 November 2017. The Petitioner is before us since the Petitioner cannot wait for any further and, therefore, it is clearly aggrieved by the decision.

5. Thus, as far as the Petitioner is concerned, this action of the Board is a rejection of the Petitioner's application as on today. The decision of the Respondent-Authorities in refusing to process the

application of the Petitioner, will entitle the Petitioner to approach the National Green Tribunal, as from the decision taken by the Respondent-Board an appeal under Section 5 of the Environmental Protection Act, 1991 is provided before the National Green Tribunal. The Petitioner is therefore at liberty to approach the National Green Tribunal with a grievance which is sought to be made in the petition that the Respondent-Authorities are misconstruing the order of the National Green Tribunal and not considering the application of the Petitioner.

6. With this liberty to the Petitioner, the Writ Petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.