

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 5 OF 2018

IN

WRIT PETITION NO. 749 OF 2014

**FR. MARIO PIRES, THR. LEGAL HEIR,
NALINI DA ROSA FERNANDES.,**

... Applicant

Versus

**VILLAGE PANCHAYAT OF CALANGUTE,
THR. ITS SECRETARY AND 2 ORS.,**

... Respondents

Shri J. Coelho Pereira, Senior Advocate with Shri Vledson Lucio Braganza, Advocate for the Applicant/original Petitioner.

Ms. Pearl Remedious, Advocate holding for Shri J.J. Mulgaonkar, Advocate for the original Respondent No. 2.

Ms. Susan Linhares, Additional Government Advocate for the original Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 6th April 2018

P.C.

Heard the learned Counsel for the parties.

2. This is an application for review of the judgment and order dated 26.02.2018 in Writ Petition No. 749/2014.

3. Shri Pereira, the learned Senior Counsel for the applicant has raised two grounds. Firstly, it is submitted that this Court has observed in para 22 of the judgment that nothing had happened in the application for regularisation from 2005 and the

petitioner has been unable to obtain the order for regularisation, for nearly 15 years now. The learned Senior Counsel has pointed out the site inspection report dated 30.04.2015, in respect of the site inspection carried out by the expert members of GCZMA, in order to point out that till recently, the application was being actively considered.

Secondly, reliance is placed on the notification dated 06.03.2018 from the Ministry of Environment, Forest and Climate Change, in order to submit that para 4.3, as introduced, provides for post facto clearance for permissible activities in CRZ area. It is submitted that this subsequent development, requires the order to be modified.

4. On hearing the learned Counsel for the parties, I find that no case for review is made. Insofar as the first ground is concerned, even assuming that the site inspection was conducted somewhere in 2015, the fact remains that the petitioner has been unable to obtain any orders for regularisation since the year 2003. This Court after considering the said fact has declined to act on the pendency of the application for regularisation. Even so far as the second ground based on notification dated 06.03.2018 is concerned, the said notification cannot be said to be a material change in circumstance or a development, so as to grant the application for review. As noticed earlier, the regularisation application is said to be pending before the GCZMA from the

year 2003 and the notification dated 06.03.2018, does not change the colour of this factual situation.

5. At this stage, Shri Pereira, the learned Senior Counsel for the applicant has made an alternate submission for extension of the stay, which was granted by this Court on 26.02.2018.

6. Considering the overall circumstances, the review application is dismissed. However, the stay granted by this Court, shall continue for a further period of six weeks. No further extension shall be granted.

C. V. BHADANG, J.

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