

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.807 OF 2018

Francisca Fernandes. Petitioner.

Versus

The State of Goa & others. Respondents.

Mr. Vithal Shivdas Naik, Advocate for the Petitioner.

Ms. Priyank Kamat, Addl. Government Advocate for the Respondents No.1,2,3,4 & 6.

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

Date : 2 November 2018.

P.C.:

On 11 October 2018, we had passed the following order :

“ The learned Additional Govt. Advocate tenders a copy of Extract of Minutes dated 14 August 2018 pursuant to the directions as regards status of the complaint of the Petitioner.

2. From the minutes itself it is seen that the complaint was filed on 29 August 2016 and the Deputy Collector thereafter submitted the report to the Additional Collector. The same was submitted on 6 August 2017 to the Goa Coastal Zone Management Authority.

3. It is after a period of two years that the Goa

Coastal Zone Management Authority has issued notices to the private Respondents. The Goa Coastal Zone Management Authority is entrusted with the primary task to ensure that the Coastal Zone Regulations are strictly enforced so as to protect the coastal ecology.

4. An information in the form of a complaint was given to the Goa Coastal Zone Management Authority pointing out certain violations. Being regulatory Authority, it was expected to take note of the violations. Yet we see delay of two years and it is only when the Petition is filed and had come up on Board on 14 August 2018, that on that date a notice is issued. If the inquiry report had disclosed that licence had not been issued, and appropriate action needs to be taken, means that there was prima facie case for issuance of notice at least. Such an unexplained delay of two years defeats the very purpose of conferring regulatory powers on the Authority.

5. The Secretary of the Goa Coastal Zone Management Authority will file an affidavit as to why there was the delay of two years in even taking cognizance of the violations brought to its notice. Affidavit to be filed within a period of two weeks.

6. S.O. to 29 October 2018.”

2. An affidavit is filed by the Secretary of the Authority. The reason given in paragraph 4 of the affidavit is hardly satisfactory. In fact, there is no reason at all. It is clear that nothing was done about the complaint till 11 September 2018, that is when

the notice was given of this Petition. We had repeatedly stated that simply because of such non-disposal of complaints by the Authority, the parties have to approach this Court. The Secretary of the Goa Coastal Zone Management Authority will ensure that such lapses do not occur in future. It is informed that steps have been taken by the Authority as indicated in paragraph 7 of the affidavit and show cause notices have been issued. Action initiated by the Authority be taken to its logical end as per law, at the earliest.

3. The Respondent No.4-Excise Department will also look into the complaint made by the Petitioner and take necessary action if warranted in law and facts, as early as possible.

4. Status of the complaint of the Petitioner be uploaded on the website of the Authority, if not already done, within a period of one week from today.

5. Writ Petition is disposed of as above.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.