

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.788 OF 2018

Martinho Xavier Fernandes

... Petitioner.

Versus

The State of Goa, through its
Chief Secretary & Ors.

... Respondents.

Mr. S. S. Kantak, Senior Advocate with Mr. A. Kamat, Advocate for the Petitioner.

Mr. D. Lawande, Advocate General with Ms. P. Kamat, Additional Government Advocate for the Respondent Nos.1, 2, 3 and 4. Mr. G. Naik, Advocate for the Respondent no.5. Mr. N. Pai, Advocate for the Respondent no.6.

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

Date : 11 September 2018.

P.C.:

Heard learned Counsel for the parties.

2. The main grievance of the Petitioner is that the Petitioner was not heard while passing the order. As regards this position, the learned Advocate General states that the matter will be considered afresh in the next meeting of the Goa Coastal Zone Management Authority (GCZMA) and both the complainant as well as the

Petitioner should not ask for any adjournment and decision thereupon will be taken. The learned Counsel for the complainant and the learned Counsel for the Respondent no.5 state that they are agreeable to this course of action. The learned Senior counsel for the Petitioner and the learned Counsel for the complainant state that their respective clients will not ask for adjournment on the next date. The learned Advocate General states that date of hearing will be communicated to the Petitioner and the complainant.

3. In view of this consensus at bar, the complaint filed by the complainant be decided a fresh by the GCZMA. The learned counsel for the Petitioner and the complainant state that what ever reply and documents have to be filed they have already been filed before the GCZMA and no adjournment will be sought on that count.

4. In view of this position and without going into the merits of the rival contentions and only for the purpose of rehearing, the impugned order is set aside. The GCZMA will decide the complaint in the next meeting itself.

5. Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.