

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 28 OF 2018

The Goa Foundation

... Petitioner

Versus

State of Goa & Ors.

.... Respondents

Ms. Norma Alvares and Ms. A. Gode, Advocates for the Petitioner.

Mr. D. Lawande, Advocate General with Mr. P. Dangui, Government Advocate for Respondent Nos.1 and 2.

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

Date : 3 September 2018.

P.C.:

Heard the learned counsel for the parties.

2. This Public Interest Litigation is filed for the following prayers.

“a) For an order or writ of mandamus directing the Respondent No.1 to recover the dues from illegal mining from the Respondent No.3 for the period 22.11.2007 to 10.09.2012;

b) For an order or writ of mandamus directing the Respondent No.1 to deposit the amounts recovered

from the Respondent No.3 in the Goa Iron Ore Permanent Fund;

c) Pending hearing and final disposal of this petition, for an interim order directing the Respondent No.1 to estimate the actual amount recoverable from the Respondent No.3 and submit the report to this Hon'ble Court."

3. We, however, note that there is no decision taken by the State Government on the issue raised by the Petitioner regarding the recovery of amount. It is necessary that the State Government takes a decision on the said issue. The State Government will consider this petition as a representation and take a decision thereon.

4. Though the Petitioner has joined only the Respondent No.3 as a party carrying out mining operations, the Petitioner has placed on record the mining operations were carried by several others during the relevant period. Therefore, the decision to be taken by the State Government, should be in respect of all similarly situated. The State Government will take a decision within a period of eight weeks from today.

5. Copy of the petition, which is already served on the State Government, shall be considered as a representation with the above clarification.

6. After the decision is so taken, a copy of the decision be given to the Petitioner and a copy shall be submitted to the Registry of this Court.

7. The writ petition is accordingly disposed of in above terms.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.