

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.831 OF 2018.

Kashinath Jairam Shetye and 4 ors. ... Petitioners.

Versus

Member Secretary, GCZMA
and 4 others. ... Respondents.

Petitioner no.1 present in person.

Mr. A. Prabhudessai, Addl. Govt. Advocate for the Respondent no.1
in both Petitions.

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

Date : 28 August 2018.

P.C.:

The Petitioner no.1 who is a complainant, on whose behest the proceedings have been initiated by the Goa Coastal Zone Management Authority(GCZMA) is before us making a grievance regarding the order passed by National Green Tribunal on 10 August 2018.

2. The National Green Tribunal on 10 August 2018 has passed following Order:-

1. *These appeals have been preferred against orders passed by the Goa Coastal Zone Management Authority (GCZMA) directing demolition of structures in question.*
2. *Proceedings were initiated on a complaint dated 08.10.2015 against the alleged illegal structures and since no action was taken on the said complaint, the complainant moved this Tribunal.*
3. *The matter was disposed of on 18.11.2015, giving liberty to the complainant move the Goa Coastal Zone Management Authority.*
4. *The said Authority thereafter passed the impugned order. It has been observed in the order that the appellants failed to remain present to justify that the construction was valid.*
5. *The case of the appellants is that they never received notice to appear and they could not present their view points. This is a matter which can be verified by the authority itself. The appellants can appear before the authority and present their view point.*
6. *If the authority is satisfied that the appellant did not receive any notice, the said authority may give an opportunity to the appellants to present their view point and pass appropriate orders in accordance with law.*
7. *To enable the appellants to approach the concerned authority, we direct that status quo be maintained for a period of four weeks from today.*

The appeals stand disposed of accordingly.”

3. The Petitioner no.1 in person states that when this order was passed in an appeal arising from the proceedings initiated by him, he was not heard. He also submitted that GCZMA was also not heard and there is an error which has been cropped up in the order.
4. The Petitioners can always point out their grievance to the National Green Tribunal and the National Green Tribunal can always consider the same and if it is correct, pass appropriate orders.
5. The Petitioners have not approached the National Green Tribunal. It is appropriate that the Petitioners approach the National Green Tribunal with the grievances made in this petition.
6. Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.