

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.872 OF 2018

Deepak Naik

... Petitioner

Versus

State of Goa & Ors.

.... Respondents

Mr. J. Supekar holding for Mr. P. Rao, Advocate for the Petitioner.

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

Date : 10 September 2018.

P.C.:

On 4 October 2017, the following order was passed.

“Mentioned not on board. Taken on board.

2. We are informed that the Goa Coastal Zone Management Authority (“GCZMA”) issued a notice dated 25th September 2017 calling on the Petitioner to shut down his hotel operation with immediate effect. This notice was received by the Petitioner on 3rd October 2017, leaving the Petitioner no time at all to comply. In a similar matter, where we have also granted a stay by an order passed yesterday, we granted the petitioner in that case four weeks’ time to move the National Green Tribunal (“NGT”) and obtain appropriate orders, and in

the meantime stayed the operation of the GCZMA's order.

3. We must necessarily follow that order in this case too. We also make it clear in this matter as we did in the other matter that if no orders are obtained within four weeks from today from the NGT, the stay will stand vacated. It is clarified that in the meantime the directions of the GCZMA will be stayed.

4. All concerned to act on an authenticated copy of this order.”

2. Reading of the order indicates that this Court has not interfered in writ jurisdiction and simply granted time to the Petitioner to approach the National Green Tribunal. It was also because there was extremely short time given to the Petitioner, the Petitioner could not approach the National Green Tribunal. The learned counsel for the Petitioner points out that nothing further survived for consideration and it appears that the petition has remained pending thereafter. Therefore, by this order we formally dispose of the petition.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.