

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1112 OF 2017

Sebastiao Cardozo & ors. Petitioners.

Versus.

State of Goa through its Chief
Secretary and others. Respondent.

Mr. S. G. Dessai, Senior Advocate with Mr. Pavitrans A.V., Advocate
for the Petitioners.

Mr. Dattaprasad Lawande, Advocate General Ms. Purna Bhandari,
Additional Govt. Advocate for Respondents No.1 to 5.

Mr. D. J. Pangam, Advocate for Respondent No.6.

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

Date : 17 April 2018.

P.C.:

By this Petition, the Petitioners have sought a writ directing the Department of Fisheries to operate the Cutbona Jetty, through its officials.

2. Various orders have been passed from time to time in this Petition. On 7 March 2018, the following Order was passed :

“The learned Additional Govt. Advocate states that it

is the Fisheries Department which has the ultimate control over the concerned Jetty. The learned Counsel for Respondent No.6 states that at present there is an unregistered Society which is in place and looking after the coordination aspects and also providing certain facilities. The learned Counsel for the Petitioners states that, to bring order and coordination at the site, it would be appropriate that the Fisheries Department lays down control/parameters for operations at the Jetty. The learned Additional Govt. Advocate seeks time to place on record methodology, statutory provisions, scheme, etc., to demonstrate in what manner the Fisheries Department proposes to carry out the task of regulation and in what manner the role of a co-operative society can be included/incorporated.”

2. On 5 April 2018, the following order was passed:

“ An affidavit sworn by the Director of Fisheries on 5 April 2018 is tendered by the learned Additional Govt. Advocate. It is submitted that a particular methodology is resolved to be adopted in the meeting, to govern the affairs of the jetty in question. The learned Additional Govt. Advocate states that an approval has been granted to the decision and a formal order will be issued within a period of one week from today.

2. *The learned Counsel for the Petitioners states that the main relief sought for by the Petitioners is that the Department of Fisheries should regulate and take control of the jetty. In view of the decision taken as aforesaid, the grievance of the Petitioners appears*

to have been satisfied.”

3. The learned Advocate General has placed on record an order issued by the Director of Fisheries, dated 16 April 2018, wherein the State Government has constituted a Managing Committee with the composition of following Members.

1. Superintendent of Fisheries Chairman.
Directorate of Fisheries, Panaji, Goa.
2. Fisheries Officer,
Sub-Office of Directorate of Vice-
Fisheries, at Cutbona jetty. Chairman
3. The Chairman,
Cutbona Fisheries Co-operative
Society Ltd., Velim, Salcete, Goa. Member.
4. The Chairman, South Goa
Mechanised Boat Owners Co-
operative and Marketing Society
Ltd., Velim, Salcete, Goa. Member.

The order states that the Committee shall carry out the objectives to regulate the operations of fishing vessels at Cutbona jetty as per the methodology approved by the State Government. The methodology is annexed at Annexure "A" to the order.

4. When we had heard the Petition on an earlier dates, we were informed the need to have regulatory mechanism at the jetty in view of the recurring law and order situation. It is in this context that the State Government has evolved the mechanism.

5. The learned Counsel for Respondent No.6 states that there is no representation of Respondent No.6. The learned Senior Advocate for the Petitioners and the learned Advocate General point out that the Respondent No.6 is only an individual and though he is styled as the President of a Society, the said Society is not registered and, therefore, there is no question of adding Respondent No.6 on the Managing Committee.

6. Upon a query to the learned Advocate General regarding the Members of the Managing Committee i.e. the Chairman, Cutbona Fisheries Co-operative Society Ltd., Velim, Salcete, Goa and the Chairman, South Goa Mechanised Boat Owners Co- operative and Marketing Society Ltd., Velim, Salcete, Goa, the learned Advocate General submitted that they have been taken as the Members of the Managing Committee, since these two Societies are registered societies. Thus the reason of adding these two Societies, through their Chairmen, as Members, being the fact that they are recognized societies.

7. The learned Counsel for Respondent No.6 submitted that if the Respondent No.6's Society is registered in accordance with law, then the representation of Respondent No.6's Society should also

be considered for representation to the Managing Committee. The learned Advocate General submitted that the provision for adding a Member is already made in the methodology at serial No.1 of the Annexure, wherein it is stated that any additional member, if required, shall be added by the Department in consultation with the Managing Committee. In view of this stipulation in the Annexure, the grievance of Respondent No.6 is taken care of.

8. The State Government will, no doubt when it decides on adding a Member, will consider the need of having a participatory mechanism to bring peace and order at the jetty.

9. No further orders are required to be passed in the Petition. The Writ Petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.