

IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 3463 OF 2018

ANTHONY PAUL BRITTO AND 19 ORS., ... Petitioners

Versus

GOA PARYAVARAN SAVRAKSHAN
SANGHARSH SAMITEE, THR. ITS
PRESIDENT, BRUNO RODRIGUES AND 8
ORS., ... Respondents

Adv. Amey Jagdish Sinai Kakodkar for the Petitioners.
Mr. S. Volvoikar, Advocate for the Respondent no.1.
Mr. D. Lawande, Advocate General with Mr. Deep Shirodkar,
Addl. Government Advocate for the Respondents no.2, 3, 5, 6
and 9.

Coram:- C. V. BHADANG, J.

Date:- 17th October 2018

Oral Order:

Heard the learned counsel for the parties.

2. Admittedly the appellants are not the party defendants before the trial court. The appellants are challenging the ex parte ad interim relief order dated 27/9/2018 passed by the learned trial court, whereby the original defendant nos. 1 to 3 and 5 to 7, who are the statutory/Government authorities are directed to maintain status quo, in terms of prayer clause "a" of the temporary injunction which reads thus:

a) Pending hearing and final disposal of the suit, this Hon'ble

Court be graciously pleased to pass an order of temporary injunction and restrain the defendants nos.1,2,3,5,6 and 7 from issuing any permissions/NOC to erect any structure/building, shack etc. within NDZ/CRZ area of the Morjim-Mandrem beach without obtaining prior land conversion sanad and TCP approvals and NOC from the defendant no.5 for erection of such structure of whatsoever nature.

3. It can thus clearly be seen that in terms of the prayer clause "a" all that the respondent no.1 has sought is an order restraining the respondent nos.1 to 3 and 5 to 7 from issuing any permission/NOC to erect any structure/building/shacks etc. within the NDZ/CRZ area of the Morjim- Mandrem beach, without obtaining prior land conversion sanads and TCP approval and NOC from the defendant no.5 for erection of such structures.

4. It is thus evident that the order of status quo would not apply to the applicants who are already having the licence and having their shacks erected in Mandrem and Morjim beaches.

5. The learned counsel for the parties point out that the application for temporary injunction is now fixed before the learned trial court on 19/10/2018 . In that view of the matter it would not be appropriate to pass any further orders which may

affect the interest of either of the parties before the trial court.

6. The learned counsel for the appellant submits that the appellants shall file an application before the trial court for their impleadment as defendants for which the learned counsel for the respondents have no objection. If such an application for impleadment is filed, the learned trial court shall allow the impleadment and permit the applicants to file a reply to the application for temporary injunction. The learned trial court shall proceed to decide the application for temporary injunction on its own merits and in accordance with law, as expeditiously as possible.

7. The appeal is disposed off in the aforesaid terms with no orders as to costs. Rival contentions of the parties are left open.

C. V. BHADANG, J.

ap/-