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IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.26 OF 2016

The Goa Foundation,
a Society registered under
the Societies Registration Act, 1960,
through its Secretary, Dr. Claude Alvares,
Address : Room 7, Above Mapusa Clinic,
Mapusa 403507, Goa.
Email id: goafoundation@gmail.com
Tel: 2256479
PAN No.:AAAAG0249C.

... Petitioner.

Versus

1. State of Goa.
Through its Chief Secretary,
Having office at Secretariat, Porvorim,
Goa.
2. The Goa Investment Promotions and Facilitation Board,
Through its CEO,
Having Office at Secretariat, Porvorim, Goa.
3. The Goa Coastal Zone Management Authority,
Through its Member Secretary,
Having office at 3rd Floor, Dempo Towers,
Panaji, Goa.
4. The Collector (South)
Collectorate (South Goa)
Margao, Goa.
5. The Chief Town Planner,
Town and Country Planning Department,
Dempo Towers, Patto, Panaji, Goa.

6. The State Pollution Control Board,
through its Member Secretary,
Dempo Towers, 1st Flr, Patto, Panaji, Goa.
7. The Village Panchayat of Cortalim-Quelossim
through its Secretary,
Cortalim, Mormogoa, Goa.
8. M/s Movaj Enterprises Pvt. Ltd.
Having its office at Missel,
Near Old Goa Police Out post,
Ribander, Goa. Respondents

Ms. Norma Alvares with Ms. Anamika Gode, Advocates for the
Petitioner.

Mr. Deep Shirodkar, AGA for Respondent No.1, 3, 4 and 5.

Ms. Susan Linhares, Advocate for Respondent no.7.

Mr. Ajit R. Katak with Ms. R. Katak, Advocates for
Respondent no.8.

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

Date : 5 March 2018.

ORAL JUDGMENT : (Per N.M. Jamdar, J.)

By this Writ Petition in Public Interest, the following prayers
are made:

*“(a) This Hon'ble Court may be pleased
to declare that the “in-principle” approval
granted by the Board to the project of
Respondent No.8 dated 18 July 2017, and
any orders communicating these decisions
to Respondent no.8, are illegal, null and
void and thereby quashed and set aside.*

b) This Hon'ble Court may be pleased to declare that the Provisional NOC dated 27 September 2016 granted by the Village Panchayat is illegal, null and void and thereby quashed and set aside.

2. Notice was issued in the petition on 13 December 2016. Rule was issued in the petition on 27 September 2017. Perusal of the farad-sheet shows that the petition was heard from time to time and the submissions of the learned counsel were recorded.

3. We have heard the learned counsel for the parties.

4. The learned counsel for Respondent no.7 - Village Panchayat has tendered an affidavit sworn on 3 March 2018, which is taken on record. This affidavit annexes a copy of the Resolution passed by the Village Panchayat on 30 January 2018. The Resolution reads thus:

“True Copy of Resolution Passed in the Fortnightly meeting held on 30.01.2018...

1. No.17/2016/Go-IPB-102/269 dated 12.01.2018 from Goa Investment Promotion and Facilitation Board, Panaji-Goa on revocation of in-principle approval granted for setting up of Eco Recreational Floating Platform for Park/Mini India Park, with 5 star Category Resort, House Boats, Floating Cottages and Water Sports at Sy.No.170/0 and 171/0, Village Quellossim.

The meeting widely discussed on the above and the members present unanimously resolved to revoke the provisional NOC granted by the Village Panchayat for the above Eco Recreational Floating Platform for Mini India Park. It is also resolved to intimate the High Court on revocation of provisional NOC for filing reply by Panchayat”.

5. The learned counsel for the Petitioner has also brought to our notice the affidavit filed by Respondent no.2 - Chief Executive Officer - The Goa Investment Promotion & Facilitation Board sworn on 26 February 2018 annexing an order dated 9-12 January 2018. This order indicates that approval granted on 18 July 2016 communicated to Respondent no.8 by letter dated 2 August 2016, is withdrawn. The learned Counsel for the Petitioner has also drawn our attention to paragraph 3 of the affidavit in which Respondent no.2 has stated that any permission, which is granted by any other authority based on In-principle approval granted by Respondent no.2 Board, shall have no effect. The learned counsel for Respondent no.8 submitted that the other Authorities, who have granted permissions are not parties to the petition. Be that as it may, if the In-Principle approval has been withdrawn, any action taken by any other Authority based solely on the approval obviously would not survive.

6. The learned counsel for the parties are ad-idem that, as far as the cause raised in this petition is concerned, in view of subsequent events, does not survive. We also do not find that it is necessary to keep the Public Interest Litigation pending as, both the Board as well as Panchayats have withdrawn their approvals granted, which was the cause raised in the the Petition.

7. We make it clear that we are disposing of the Public Interest Litigation in view of the orders passed by the Authorities, and we have not gone into merits of the *inter se* disputes.

8. The Public Interest Litigation Writ Petition is disposed of accordingly.

Prithviraj K. Chavan, J

N.M. Jamdar, J.