

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 59 OF 2018

Kashinath Jairam Shetye
And 2 Ors.,

... Petitioners

Versus

Anil Arora And 5 Ors.,

... Respondents

Mr. Kashinath Shetye, petitioner no. 1 in person.

Mr. Nitin Sardesai, Senior Advocate with Mr. Vivek Rodrigues and
Mr. Savio X. Soares, Advocates for the Respondent no. 1.

Mr. Pravin N. Faldesai, Additional Government Advocate for
Respondent nos. 3 and 4.

***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.***

Date:- 28 March 2018

P. C.

By this Petition, the petitioner in person has challenged two orders passed by the National Green Tribunal dated 18 November 2016 and 16 November 2016 and an order passed by the Member Secretary of Goa Coastal Zone Management Authority dated 8 October 2015.

2. It is the grievance of the Petitioner that the Member Secretary of the Goa Coastal Zone Management Authority passed the order dated 8 October 2015 without placing the same before the Board. As regards the orders passed by the National Green Tribunal, it is the contention of the Petitioner that though the application challenging the order dated 8 October 2015 was sought to be converted into an Appeal, the National Green Tribunal dismissed the application and Appeal by order dated 18 November 2016 on the ground of plurality of remedies. As regards order dated 16 November 2016 in Review is concerned, it is the contention of the Petitioner that same has been passed in breach of principles of natural justice.

3. Learned Senior Advocate appearing for Respondent no. 1 raises preliminary objection regarding maintainability of the Petition on the ground that the Petitioner already has efficacious remedy under Section 22 of the National Green Tribunal Act.

4. As regards order dated 8 October 2015 is concerned, the same was challenged by the Petitioner before the National Green Tribunal. National Green Tribunal has disposed of the challenge by Judgment and order dated 18 November 2016. Against the disposal of these proceedings an Appeal is provided under the Act. As regards

the grievance of the Petitioner that the order in Review was in breach of principles of natural justice, we asked the Petitioner to point out from the Petition a specific averment that the Petitioner was not heard when the review was taken up for consideration by the Tribunal since the order in Review specifically refers to the presence of the Petitioner in person and also that he had sought certain amendments to the Appeal Memo on the date when the matter was taken up. The Petitioner in person candidly states that it is not his case that he was not heard at all but sufficient hearing was not given to him. Thus it is not that no hearing was given. It is the perception of the Petitioner. Perceived quality of hearing is not a sufficient ground to interfere in the Writ jurisdiction in the facts of this case, bypassing the remedy provided under the Act.

5. In the circumstances, we do not find any reason to interfere with the impugned order, in view of the availability of alternate remedy. It is open to the Petitioner, if available in law, to pursue the remedy provided for under the Act.

6. The Writ Petition is, accordingly, disposed of.

Prithviraj K. Chavan , J.

N.M. Jamdar, J.