

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.214 OF 2017

1. Goa Coastal Zone Management Authority,
Through its Member Secretary,
having office at 1st Floor,
Pandit Deendayal Upadhya Bhavan,
Pundalik Nagar,
Porvorim Goa.
 2. Mr. Parag M. Nagarsekar,
Member Secretary,
GCZMA,
having office at 1st Floor,
Pandit Deendayal Upadhya Bhavan,
Pundalik Nagar,
Porvorim Goa.
- ... Petitioners

Versus

1. Mr. Kashinath Jairam Shetye
r/o A-102, Raj Excellency,
Patto, Ribandar Goa.
2. Dr. Ketan Govekar,
r/o 3rd Floor, Wadji Building,
St. Inez Panaji Goa.
3. Mr. Desmond Alvares,
r/o H.No.470, Doxxier,
Assagao, Bardez Goa.

4. Mr. Haresh Karmalkar,
r/o Karimwado, Chiodan, Goa.
5. Mr. Narendra Chodankar,
r/o H.No.1281, St. Esteve,
Tonca Tiswadi Goa.
6. Mr. Nikhil Dessai,
Managing Director, GTDC,
Near Old Patto Bridge,
Panaji Goa.
7. Mr. S. K. Srivastav,
Chief Secretary of Goa,
Secretariat Porvorim Goa.
8. Mr. Dharmendra Sharma
Chief Secretary of Goa,
Secretariat, Porvorim Goa.
9. Mr. Menino D'Souza,
Excise Commissioner and
Director of Tourism Dept.
Near Old Patto Bridge,
Panaji Goa.
10. Mrs. Nela Mohanan,
The Collector North
North Goa Collectorate,
Panjim Goa.

11. Mrs. Sapana Bandodkar,
Mamlatdar Tiswadi,
Panjim Goa.
12. Mr. Pundalik Korjuvekar,
Dy. Collector & SDM,
Tiswadi, North Goa Collectorate,
Panjim Goa.
13. Mr. Levinson Martin,
S.E. of GSPCB (INCHARGE),
Member Secretary,
PATTO PLAZA,
IDC Complex,
Panjim Goa.
14. Mr. Deepak Desai,
Commissioner CCP,
Corporation of City of Panaji,
Panjim Goa.
15. Mr. Srinet Kothawale,
Charge of Member Secretary, GCZMA
Narayan Gad,
C/o Dept of Science,
Tech and Environ (Govt. of Goa)
1st Floor Pandit Deendayal Upadhyay Bhavan,
Pundalik Nagar,
Porvorim Goa.

16. Mr. Nilesh Cabral,
Chairman of GTDC,
Near old Patto Bridge,
Panjim Goa.
17. Mr. V. M. Prabhudesai,
Director of Sports & Youth Affairs,
Director of S.A.G.,
Campal, Panaji Goa.
18. Daulat Hawaldar
Link Officer Chairman GCZMA
1st Floor Pandit Deendayal Upadhyay Bhavan,
Pundalik Nagar, Porvorim Goa.
19. Dr. Ranbhir Singh,
Chairman, GCZMA,
c/o Dept. of Science,
Tec and environ (Govt. of Goa)
1st Floor, Pandit Deendayal Upadhyay Bhavan,
Pundalik Nagar, Porvorim Goa.
20. Mr. Subrai Nadkarni,
Principle Chief Engineer,
WRD, Near Sanjay School,
Porvorim Goa.
21. Mrs. Sharmila Monterio,
Director of Fisheries,
Near Mandovi Hotel,
Panjim Goa.

22. Mrs. Sandya Kamat
Director of Panchayats,
Junta House,
Panjim Goa.
23. Mr. Suresh Pilerkar,
Director of Panchayats,
Junta House,
Panjim Goa.
24. Mr. Ajay Suksena,
Chief Conservator of Forest Dept of Forest,
Near Gomatak Martha Samaj Hall,
Panjim Goa.
25. Mr. Flecture Fernandes,
Technical Officer, GCZMA
C/o Dept of Science,
Tech and Environ (Govt. of Goa)
15th Floor,
Pandit Deendayal Upadhyay Bhavan,
Pundalik Nagar,
Porvorim Goa.
26. Mr. Prabhakar Shirodkar,
Expert Member GCZMA,
C/o 311/5, First Floor,
E-Wing Agnelo Colony,
Caranzalem Goa.

27. Mr. Audhut Bhounsule,
Member, GCZMA,
r/o H.No.790, Opp. Mapusa Urban Co-op. Bank,
Near Sarvajam Ganesh Madap ank.1
St. Augustinho, Sanat Cruz Goa.
 28. Mr. Srirang Jambhale,
Member GCZMA,
r/o H.No.620, Savio P.O. Verem,
Ponda Goa.
 29. Mr. Suhas Godse,
Member GCZMA,
r/o 5/25A, Saket,
Near Pandurang Tulsi Mata Temple,
Vodlem Bhat,
Taleigao Goa.
 30. Dr. Nandakumar Sawant,
Member GCZMA,
Principal Parvatibai Chowgule College
of Arts and Science,
Margao Goa.
 31. Mr. Prasad Loleikar,
Director Art and Culture
Patto Plaza EDC Complex Panjim Goa.
 32. Mr. Sunil Munjal,
Serendipity Art Trust,
C-340 Defence Colony
New Delhi, India.
- Respondents

Mr. S. R. Rivankar, Public Prosecutor for the Petitioners.

Respondent No.1 present in person.

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

Date : 19 April 2018.

Oral Judgment (Per N.M. Jamdar, J)

Rule. Rule made returnable forthwith.

2. At the joint request of the parties taken up for disposal.
3. A complaint has been filed by Respondent Nos.1 to 5 against the Petitioners and other Respondents under Section 200 of the Code of Criminal Procedure read with Sections 15, 16 & 17 of EPA Act, 1986 and Sections 26, 27 & 28 of NGT Act and Sections 120B and 34 of the Indian Penal Code including Sections 193, 219 and 228 of the Indian Penal Code.
4. The Respondent No.1 appears in person and states that he has authority to represent the Respondent Nos.2, 3, 4 and 5. He states that he will file an authority in proper format in that regard within a period of one week. Statement is accepted.

5. The learned counsel for the Petitioners and the Respondent No.1 in person state that for the disposal of the petition in the manner proposed, the presence of Respondent Nos.6 to 32 is not warranted. In these circumstances, leave to delete the Respondent Nos.6 to 32 is granted. Amendment to be carried within a period of one week.

6. The Petitioners have filed this petition challenging the notices issued by the Judicial Magistrate First Class, B-Court, Panaji, in Criminal Misc. Application Nos.154/2017 and 155/2017 pursuant to a complaint filed by Respondent Nos.1 to 4 and for quashing the complaint.

7. The learned Public Prosecutor for the Petitioners submitted that, without conducting verification of the complainant, as mandated under Section 200 of the Code of Criminal Procedure, the learned Magistrate has proceeded to issue notices. The learned Public Prosecutor states that the averments made in the complaint are vague and states that the prayer is also made in this petition for quashing the complaint and stay to the further proceeding. The Respondent No.1 in person states that in fact the proceedings initiated by the Respondent No.1 have been wrongly treated as Criminal Misc.

Proceedings and even otherwise mere non verification of the complainant will not entail the quashing of the complaint. The Respondent No.1 agrees that there was no verification of the Respondent No.1 and states that he has no objection if the notices are set aside and the learned Magistrate is directed to proceed further as per law.

8. Considering this consensus, the notices issued by the learned Judicial Magistrate First Class, Panaji, in Criminal Misc. Application Nos.154/2017 and 155/2017, are quashed and set aside.

9. The learned Magistrate will proceed as per Section 200 of the Code of Criminal Procedure. If the learned Magistrate proceeds to take cognizance upon verification of the complaint, it is open to the Petitioners to take steps as per law. In view of this order, it is not necessary to consider the prayer clause (a) in this petition for quashing, which is kept open to be considered at an appropriate stage.

10. The Writ Petition is accordingly disposed of in above terms. Rule is made absolute accordingly. No costs.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.