

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 220 OF 2019

IN

WRIT PETITION NO. 93 OF 2019

ALEIXO ARNOLFO PEREIRA.,

... Applicant

Versus

SERGIO DIAS AND 3 ORS.,

... Respondents

Applicant in person.

Mr. Shivan Desai, Advocate for the Respondent no.1-Original Petitioner.

Mr. Amir Jamadar, Additional Government Advocate for the Respondent nos.2 and 3.

Mr. J. P. Supekar, Advocate for the Respondent no.4.

Coram:- C. V. BHADANG, J.

Date:- 4th June 2019

ORAL ORDER

This is an application for intervention filed by the applicant on the ground that he is the resident of Village Utorda-Majorda, Salcete Goa, where the subject illegal construction has been made which has been directed to be demolished by the Goa Coastal Zone Management Authority (GCZMA).

2. It is submitted that the present petition which involves a challenge to the said order of demolition would affect the valuable rights of the applicant. It is contended that the applicant has espoused similar cause of violation of Coastal Zone

Management Regulations and other environmental issues in several other matters and, as such, is a person who is interested and affected by the outcome of the petition.

3. The application is opposed on behalf of the original petitioner as well as the respondents on the ground that the applicant was neither a complainant nor was a party before the GCZMA and, as such, being a stranger, cannot seek intervention in the present petition, so as to enlarge the controversy in the petition.

4. I have heard the applicant in person as well as Mr. Desai, the learned Counsel for the first respondent (the original petitioner), Mr. Jamadar, the learned Additional Government Advocate for the respondent nos.2 and 3 and Mr. J. P. Supekar, learned Counsel for the respondent no.4, who is the original complainant.

5. The applicant who appears in person has brought to my notice certain orders in cases in which he had espoused similar cause by filing PIL, etc. It is submitted that the first respondent (the original petitioner) has an alternate remedy. It is also contended that the applicant has material to show that the structure belonging to the first respondent, which is subject matter of the order of demolition, is illegal and unauthorised.

6. The learned Counsel for the respondents have opposed the

intervention on the ground that the applicant is a stranger and was neither a complainant nor a party before the GCZMA. It is submitted that only because the applicant had espoused similar cause in other matters, will not be sufficient to allow the applicant to intervene.

7. I have considered the submissions made. Admittedly, the action by the GCZMA was initiated on the basis of the complaint by the fourth respondent. The applicant is neither a complainant nor a party before the GCZMA. Only because the applicant had espoused a similar cause in respect of other cases, would not entitle him to seek intervention. The petition filed by the first respondent is to be considered on its own merits including the ground of availability of the alternate remedy. The GCZMA and the fourth respondent are there to support the impugned order. It is not the case of the applicant that there is any collusion between the first respondent and the fourth respondent so as to result into any miscarriage of justice.

8. In any event, the GCZMA which is represented by the Additional Government Advocate is always there to support the impugned order. The contentions raised by the applicant insofar as the merits of the Writ Petition are concerned, cannot be gone into at this stage while deciding the application for intervention.

9. Considering the overall circumstances, I do not find that the intervention can be allowed. The application is accordingly dismissed.

C. V. BHADANG, J.

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