

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 534 OF 2018

Helen Pinto e Andrade Petitioner.

Versus

State of Goa and others. Respondents.

Mr. Rohit Bras de Sa, Advocate for the Petitioner.

Mr. Parag Rao, Advocate for Respondent No.5.

***Coram : S.C. Gupte &
Prithviraj K. Chavan, JJ.***

Date : 18th June, 2019.

P.C. :-

Subject matter of the Writ Petition is refusal of Village Panchayat of Calangute (Respondent No.3) to renew an Establishment Licence (Trade) granted to the Petitioner.

2. The Petitioner has referred to her application dated 15th September, 2014 and its reminders. The Petitioner has also referred to an order passed by the Additional Director of Panchayats-II dated 15th April, 2015, whereby the Respondent Panchayat was directed to consider the application of the Petitioner in a time bound manner. The grievance of the Petitioner is that the Respondent Panchayat has failed to do so.

3. At the hearing of the Petition, learned Counsel for the Petitioner refers to two more applications made by the Petitioner on similar lines on 29th October, 2018 and submits that the Respondent Panchayat is not complying with the directions of the Additional Director.

4. Learned Counsel for Respondent No.5, who has been opposing the Petitioner's application, submits that no application for renewal of establishment licence can be considered for a temporary structure beyond the months of September to May of any given year. Learned Counsel submits that this is particularly so in the present case, considering the fact that the structure is within a CRZ area. Learned Counsel submits that without permission from the competent authority under the CRZ Regulations, no such licence can be considered. These are matters of merit, which can be debated before the Respondent Panchayat. What is important is that the Panchayat must dispose of the Petitioner's application one way or the other.

5. The Writ Petition is, accordingly, disposed of by directing Respondent No.3 Panchayat to decide the Petitioner's application for renewal of her establishment licence within a period of 30 days from the date an authenticated copy of this order is produced by the Petitioner before it. Before deciding the application, Respondent

Panchayat shall hear both the Petitioner and Respondent No.5. All rights and contentions of the parties, on merits, are kept open.

6. All concerned to act on a duly authenticated copy of this order.

Prithviraj K. Chavan, J.

S.C. Gupte, J.