

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITIONS NO.448/2019, 456/2019, 462/2019,
463/2019, 464/2019, STM No.1871/2019,
1873/2019, 1878/2019, 1881/2019,
1898/2019, 1899/2019, 1900/2019, 1901/2019,
1902/2019, 1903/2019, 1904/2019, 1905/2019 &
1907/2019**

WRIT PETITION NO.448/2019

Godwin Fernandes Petitioner
V/s

Member Secretary,
Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. V. Menezes and Ms. S. Narvekar, Advocates for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 5.

WITH

WRIT PETITION NO.456/2019

Mark Ephrem Fernandes Petitioner
V/s

Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. Kaif Noorani, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondent No.5.

WITH

WRIT PETITION NO.462/2019

La Cabana Beach & Spa Petitioner
V/s

Goa Coastal Zone
Management Authority & Ors. Respondents

Mr. Sarvesh Malyekar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 3.

WITH
WRIT PETITION NO.463/2019

Neil Fernandes	 Petitioner
V/s	
Goa Coastal Zone	
Management Authority & Ors.	 Respondents

Mr. A.D. Bhobe, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 3.

WITH
WRIT PETITION NO.464/2019

Alex Fernandes	 Petitioner
V/s	
The Member Secretary,	
Goa Coastal Zone	
Management Authority & Ors.	 Respondents

Mr. Nikhil A. Vaze & Mr. Luis Fernandes, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General and Ms. Priyanka Kamat,
Additional Government Advocate for Respondents No.1 to 3.

WITH
STM 1871/2019

All Goa Pvt. Property Shack / Hut Owners Association ...	Petitioner
V/s.	
State of Goa, through	
Chief Secretary & Ors.	...Respondents

Mr. J. Abreu Lobo, Advocate for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for the respondents.

WITH

STM No. 1873/2019

Jaydeep Rajebhosle
V/s.
State of Goa, through
Chief Secretary & Ors.

... Petitioner

...Respondents

Ms. V. Mendonca h/f. Shri Chaitanya Padgaonkar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar, Additional Government Advocate for respondents No.1, 2, 3, 4 and 5.

WITH**STM No. 1878/2019**

Lezri Daniel D'Souza
V/s.
State of Goa, through
Chief Secretary & Ors.

... Petitioner

...Respondents

Ms. V. Mendonca h/f. Shri Chaitanya Padgaonkar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar, Additional Government Advocate for respondents No.1, 2, 3, 4 and 5.

WITH**STM No.1881/2019**

Caridad G. D'Souza
V/s
State of Goa, through
Chief Secretary & Ors.

.... Petitioner

.... Respondents

Mr. Amey Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Pravin Faldessai, Additional Government Advocate for Respondents No.1 to 4.

WITH**STM No.1898/2019**

Malcolm Simon D'Souza

.... Petitioner

V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amey Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Pravin Faldessai,
Additional Government Advocate for Respondents No.1 to 4.

**WITH
STM No.1899/2019**

Annie Any Anna Fernandes Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J.Pangam, Advocate General with Mr. Arun A. S.
Talaulikar, Additional Government Advocate for Respondents No.1 to 4.

**WITH
STM No.1900/2019**

Conceisao Mendes Naronha Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents
Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun Talaulikar,
Additional Government Advocate for Respondents No.1 to 4.

**WITH
STM No.1901/2019**

Sharad P. Harmalkar Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents
Mr. Amay Phadte, Advocate for the Petitioner.

WITH**STM No.1902/2019**

Ketaki Dharma Morje Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Ms. Priyanka Kamat,
Additional Government Advocate for Respondents No.1 to 4.

WITH**STM No.1903/2019**

Jose Valentino De Souza Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1,2,3, and 4.

WITH**STM No.1904/2019**

Violeta Maria Fernandes Petitioner
V/s
State of Goa, through
Chief Secretary & Ors. Respondents

Mr. Amay Phadte, Advocate for the Petitioner.
Mr. D.J. Pangam, Advocate General with Ms. Neha Kholkar,
Additional Government Advocate for Respondents No.1 to 4.

WITH**STM No.1905/2019**

Laxmikant Morje Petitioner
V/s
State of Goa, through

Chief Secretary & Ors.

.... Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Arun A.S. Talaulikar,
Additional Government Advocate for Respondents No.1 to 4.

AND
STM No.1907/2019

Piuru Luis D'Souza

.... Petitioner

V/s

State of Goa, through

Chief Secretary & Ors.

.... Respondents

Mr. Amay Phadte, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Ms. Neha Kholkar,
Additional Government Advocate for Respondents No.1 to 4.

Coram :- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.

Date:- 28th June 2019

P.C.:

These Writ Petitions challenge demolition orders passed by Goa Coastal Zone Management Authority (GCZMA). The grievance of the petitioners before the Court is that the demolition orders were passed without complying with due process of law or following principles of natural justice. During the pendency of these petitions, in response to what transpired in Court in some other matter, the respondent issued Show Cause Notices to all the petitioners, who had complained of illegalities of the demolition orders passed in their cases. In pursuance of the Show Cause Notices, the petitioners have

appeared before the respondent and have shown cause. Considering the grievance of the petitioners, voiced across the bar at the hearing of the petitions, that they did not have a proper opportunity to present their case, this Court suggested that all the petitioners and their stakeholders who proposed to show further cause, can do so by filing written representation in furtherance of what they have already submitted before the respondent, whereafter final orders can be passed by the respondent on the Show Cause Notices. This suggestion was fairly accepted by petitioners on the one hand and by learned Advocate General on the other. Learned Advocate General states that the original demolition orders which are subject matters of challenge in these petitions may be treated as cancelled and withdrawn.

2. The petitions are accordingly disposed of by reserving liberty to the petitioners to make written representations to the respondent within a period of two weeks from today. Respondent No.1 shall pass final orders on the Show Cause Notices after considering such representations. It is also agreed by the respondents that, in the event, the orders to be passed on the Show Cause Notices are adverse to the petitioners, they shall not be enforced for a period of 15 days from the communication of the orders. The statements of all

parties are accepted and the petitions are disposed of in the above terms.

NUTAN D. SARDESSAI, J.
mv

S. C. GUPTE, J.