

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 449 OF 2019

JUDYLINE D'SOUZA.,

... Petitioner

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 8 ORS.,

... Respondents

Ms. Winnie Coutinho, Advocate for the Petitioner.
Mr. D. Pangam, Advocate General with Mr. S. Redkar, Addl
Government Advocate for Respondent Nos.1, 3, 5, 6 and 9.
Mr. Kiran More, Advocate for Respondent No.2.
Mr. A. D. Bhobe, Advocate for Respondent Nos.7 and 8.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 30th September, 2019

P.C.

Heard Ms. Coutinho, learned counsel for the Petitioner.

2. Mr. D. Pangam, learned Advocate General alongwith Mr. Redkar appear for Respondent Nos.1, 3, 5, 6 and 9.

3. Mr. Bhobe appears for Respondent Nos.7 and 8. Mr. Kiran More appears for Respondent No.2.

4. The main grievance of this petitioner is that the statutory authorities are not discharging their statutory duties in the matter of action against the construction undertaken by Respondent

Nos.7 and 8, which, according to the Petitioner, is an illegal and unauthorized construction.

5. Mr. D. Pangam, learned Advocate General has produced on record the show cause notice dated 25.09.2019 issued by the Goa Coastal Zone Management Authority (GCZMA) to Respondent Nos.7 and 8. The learned Advocate General states that this show cause notice will be taken to its logical conclusion and disposed of as expeditiously as possible and in any case within a period of six weeks from today. This statement is accepted.

6. The Village Panchayat of Calangute, though served in this matter is not represented.

7. Ms. Coutinho however refers to the notice dated 22.01.2018 and 17.04.2019, by which the Respondent Nos.7 and 8 were directed to stop further construction and to also remain present for site inspection.

8. Ms. Coutinho states that despite the stop work order, the Respondent Nos.7 and 8 are continuing with their construction activity. Mr. Bhobe, learned counsel for Respondent Nos.7 and 8 disputes this position. Mr. Bhobe submits that the structure is complete. In any case, we now direct the Respondent Nos.7 and

8 to stop the construction, as directed by the notices dated 22.01.2018 and 17.04.2019. This shall be no doubt subject to the Panchayat disposing of Petitioner's application in accordance with law as expeditiously as possible and in any case within a period of two months from the date the Petitioner produces the authenticated copy of this order to the Panchayat. The Panchayat is directed to take the notices issued by them to their logical conclusion within the aforesaid period of two months.

9. We clarify that both the Panchayat as well as the GCZMA will follow principles of natural justice which means that opportunity of hearing will have to be furnished to both the Petitioner as well as the Respondent Nos.7 and 8.

10. The petition is disposed of in the aforesaid terms.

11. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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