

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 469 OF 2019

PETER COUTINHO, THR. HIS POA,
MILIND VERNEKAR.,

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Mr. Shivan Desai, Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for
Respondent Nos. 1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 11th June 2019

P.C.

Heard for some time.

2. Mr. Desai, the learned Counsel for the petitioner, on instructions, seeks leave to withdraw the petition, as the petitioner intends to avail of the statutory remedy of appeal before the National Green Tribunal (NGT). The learned Counsel submits that the impugned order has been served on the petitioner on 07.06.2019 and the impugned order allows a period of 30 days for compliance, from the date of service of the order. Thus, the period to comply with the direction to carry out demolition would expire on or about 07.07.2019. The only contention raised is that the impugned order directs the stoppage

of commercial activities with immediate effect. It is submitted that the petitioner has all the licenses for running the Restaurant, which is in operation for more than twenty years. It is pointed out that presently, the Pune Bench of NGT is non-functional and the petitioner will have to approach the vacation Bench of the NGT at New Delhi for seeking appropriate interim relief. He, therefore, only makes a limited request of staying the part of the impugned order, directing immediate stoppage of the commercial activities.

3. On hearing the learned Counsel for the petitioner and the learned Additional Government Advocate for the respondent nos. 1 and 2, the part of the order directing immediate stoppage of the commercial activities shall not be given effect to till 07.07.2019, in order to enable the petitioner to take recourse to the statutory remedy of appeal before the NGT.

4. The petition is disposed off as withdrawn. It is made clear that this Court has not expressed any opinion on the rival contentions of the parties on merits, which are left open.

C. V. BHADANG, J.