

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 505 OF 2019***

Soshil Kumar Vaid

... Petitioner

Versus

State of Goa, through its

Chief Secretary and 3 Ors.

... Respondents

Mr. Shivan Desai, Advocate for the Petitioner.

Mr. Deep Shirodkar, Additional Government Advocate for the Respondents.

***Coram : S.C. Gupte, &
Prithviraj K. Chavan, JJ.******Date : 20th June, 2019.******P.C. :***

The Writ Petition concerns a demolition order passed by Respondent No.2, Goa Coastal Zone Management Authority (GCZMA). The impugned order is on the footing that the Petitioner has violated the CRZ Notification of 1991. Insofar as the order of demolition is concerned, the Petitioner has already availed of two remedies, as of this date. In the first place, a review application has been filed before the National Green Tribunal, for review of its order dismissing the Petitioner's appeal against the demolition order, and an application to the GCZMA for regularization of the structure. Since the substantive applications are pending, we are of the view that it will

only be for the respective authorities considering the applications, to consider grant of any interim relief in the matter.

2. Learned Counsel for the Petitioner seeks leave to withdraw the petition and take his grievance before either of the authorities. Learned Counsel, however, submits that since the National Green Tribunal is on a vacation till 04.07.2019, some adhoc protection may be granted to the Petitioner, so that he could approach the Tribunal for interim protection.

3. The petition is, accordingly, dismissed as withdrawn. Respondent Nos.1 to 3 are directed not to execute the demolition order till 10th July, 2019. It is made clear that we have not applied our minds to the merits of the controversy. All rights and contentions of the parties, on merits, are kept open. Learned Counsel for the Petitioner states that the structure is being used by his client as residential premises, and not for any commercial activities. The statement is accepted.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

Dv*