

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 605 OF 2019***

Smt. Laxmi Bapu Naik,
widow, 80 year of age,
resident of House No.284,
Madhalawada Arambol,
Pernem, Goa,
Through its Power of attorney
Mr. Rupesh Naik,
Son of Pandurang Naik,
resident of House No. 325,
Madhalawada, Arambol,
Pernem, Goa.

... Petitioner.

Vs.

1. State of Goa,
through the Chief Secretary,
Secretariat, Porvorim, Goa.
2. Goa Coastal Zone Management
Authority,
Through its Member Secretary,
Porvorim, Bardez, Goa.
3. Mr. Sudan Alias Suresh Krishna
Vaigankar,
resident of House No. 299,
Kalchawada Arambol,
Pernem, Goa.

4. Mr. Dilip Krishna Vaigankar,
resident of House No. 299,
Kalchawada Arambol,
Pernem, Goa.

... Respondents

Mr. Abhijit Pramod Gosavi, Advocate for the Petitioner.

Ms. Sapna Mordekar, Addl. Government Advocate for Respondent Nos. 1 & 2.

Mr. J. P. Supekar, Advocate for Respondent Nos. 3 & 4.

**Coram : M. S. Sonak &
Nutan D. Sardesai, JJ.**

Date : 5th September, 2019.

Oral Order: (Per M.S. Sonak, J)

Heard Mr. Gosavi, learned Counsel for the petitioner, Ms. Sapna Mordekar, Addl. Government Advocate for respondent Nos. 1 and 2 and Mr. J. Supekar, Learned Counsel for respondent Nos. 3 and 4.

2. This petitioner alleges that the authority under (CRZ) Regulations i.e. Goa Coastal Zone Management Authority (GCZMA) has taken no action on the petitioner's complaints regards

the construction put up by respondent No. 3 in the property bearing survey no. 176/8 which the petitioner claims, of which, she is the co-owner. The petitioner acknowledges that the respondent Nos. 3 and 4 are also the co-owners in respect of the very property. From the complaint made by the petitioner on 09.04.2018, we find that the basic grievance of the petitioner is that the other co-owners have put up some structure in the suit property which according to her violates the CRZ notification of 2011 and also violates the provisions of the Goa Land Revenue Code and certain other Rules relating to the conversion of the agricultural land for non agricultural purposes.

3. From the complaints, we are satisfied that basically these are civil disputes which can be sorted out by resorting to ordinary civil remedies available to the parties. Besides, we find that the GCZMA cannot be accused of the inaction in this particular case, as based on the complaint of some other party, the GCZMA has disposed of the show-cause notice issued to respondent Nos. 3 and 4, and has in fact ordered demolition of the second floor of the structure in the property bearing survey no. 176/8 and 9.

4. Mr. J. Supekar, learned Counsel for the respondent Nos. 3 and 4, points out that the demolition order made on 12.06.2019 by

the GCZMA has already been challenged by the respondent nos. 3 and 4 in appropriate proceedings.

5. Mr. Gosavi's contention that the complainant on whose complaint the order dated 12.06.2019 came to be passed by the CZMA is acting in collusion with the respondent Nos. 3 and 4, is an allegation basically made in the air, without any pleadings to back the same. In any case, it is the duty of the petitioner to make proper inquiries and disclose the factum of issuance of show cause notice and the demolition order dated 12.08.2019. The petitioner has not done anything of this, mainly because, the petitioner, seeks to pursue the civil dispute which the petitioner has with the respondent Nos. 3 and 4, who, she admits are also the co-owners in respect of the properties in question.

6. In view of the aforesaid, we see no good grounds to entertain the present petition particularly now that the GCZMA has taken cognizance of the structure put by respondent Nos. 3 and 4 and even proceeded to issue demolition order of the second floor of said structure.

7. In case, the petitioner, has any grievances, the petitioner is

always at liberty to take up appropriate civil proceedings for persuing such grievance. However, there is no case made out to entertain the petition. Accordingly we dismiss this petition.

8. There shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-