IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 739 OF 2019

LOURENCO DIAGO JOSE RODRIGUES., ... Petitioner

Versus

STATE OF GOA, THR. CHIEF SECRETARY AND 3 ORS., ... Respondents

Mr. V. Tamba and Mr. Vibhav Rajiv Amonkar, Advocates for the Petitioner.
Mr. P. Arolkar, Additional Government Advocate for the Respondent nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 29th August, 2019

P.C.

Heard Mr. Tamba, the learned Counsel for the petitioner and Mr. P. Arolkar, learned Additional Government Advocate for the respondent nos.1 and 2.

2. The only contention raised is that there is a breach of principles of natural justice while passing the impugned order by the Goa Coastal Zone Management Authority (GCZMA).

3. On hearing the learned Counsel for the petitioner and on perusal of record, prime facie, it is not possible to accept the said contention. It appears that GCZMA after considering the fact that the NOC obtained by the private respondents was of the year

1989 and that the survey was conducted in Goa in the year 1970-71 and after noticing that the house tax receipts were prior to 1990 and considering some other documents including the report of the Village Panchayat, has discharged the show cause notice. The petitioner has an alternate remedy of an appeal before the National Green Tribunal (NGT), which the Petitioner can take recourse to.

4. In that view of the matter, I decline to entertain the petition which is accordingly dismissed.

5. Needless to mention, that if the petitioner approaches the NGT in a statutory appeal under Section 16 of the National Green Tribunal Act, the dismissal of this petition shall not come in the way of the petitioner. If the appeal is filed, the NGT will have due regard to the provisions of Section 5 and 14 of the Limitation Act, as may be applicable.

C. V. BHADANG, J.

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