

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1092 OF 2018**

Chandrashekhar Vast

.... Petitioner

V/s

Milind Naik & Ors.

.... Respondents

Mr. C.A. Ferreira, Advocate for the Petitioner.

Mr. S.D. Lotlikar, Senior Advocate with Ms. S. Keny, Advocate for the Respondents.

**Coram :- S. C. GUPTE &
PRITHVIRAJ K. CHAVAN, JJ.****Date:- 17th June 2019****ORAL ORDER : (Per S.C. Gupte, J.)**

This Writ Petition challenges withdrawal of stop work orders and show cause notices by Deputy Collector in charge of flying squad, Margao Goa. The Deputy Collector had earlier issued stop work orders-cum-show cause notices on account of hill cutting activities found at site, directing respondents no.1 & 2 to forthwith stop hill cutting work in Chalta No.21 & 22 (part) of PT sheet no.30 of Vasco and PT sheet no.35 Chalta no.174 (part) of Vasco. Respondents no.1 & 2 were directed to remain present before the Member Secretary, South Goa Planning and Development Authority and show cause. It is the grievance of the petitioner that instead of insisting on cause being shown by

respondents no.1 & 2 in pursuance of the show cause notices cum stop work orders before the Member Secretary, the Deputy Collector has proceeded to withdraw the show cause notices cum stop work orders on the representation of respondents no.1 & 2. It is submitted that having issued show cause notices cum stop work orders, the Deputy Collector has no authority to withdraw the same and must require in all cases the offending parties to show cause before the Member Secretary of Planning and Development Authority.

2. If any authority has the power to issue a show cause notice, there is no reason why it should not have the power to withdraw the same. In this case, after the show cause notices were issued, it was pointed out by respondents no.1 & 2 that there was no unauthorised hill cutting/filling work carried on at site; that there was a permission for the work so far as Chalta No.21 & 22 (part) of PT sheet no.30 of Vasco was concerned, whereas so far as Chalta No.174 (part) of PT sheet no.35 of Vasco was concerned, there was no hill cutting or filling work carried on at all.

3. It is not in dispute that so far as Chalta Nos.21 & 22 (part)

are concerned, there is a permission for the work. In case the petitioner has any grievance about this permission, he has to adopt steps for redressing his grievance. There is no merit in the present challenge to withdrawal of the stop work orders-cum-show cause notices.

4. The Writ Petition is accordingly disposed of by keeping the remedies of the petitioner open regarding the hill cutting permission granted to respondents no.1 & 2 on the plots which are the subject matter of the present petition. All rights and contentions of the parties on merits in that behalf are kept open.

PRITHVIRAJ K. CHAVAN, J.

S. C. GUPTE, J.

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