

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.816 OF 2019

All Goa Pvt. Property Shack/Hut

Owners Association.

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Petitioner.

V/s.

State of Goa, and others.

.....

Respondents.

Mr. J. A. Lobo, Advocate for the Petitioner.

Mr. D. J. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Govt. Advocate for the Respondents.

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

Date : 17th September, 2019.

P.C.:-

Heard Mr. J.A. Lobo for the Petitioner and Mr. D.J. Pangam, learned Advocate General on behalf of the Respondents.

2. Mr. Lobo, learned Counsel for the Petitioners, on the basis of the instructions from the Petitioners, submits that the members of the Petitioners, who have been served with the demolition orders, will appeal against the same before an appropriate forum. He, however, submits that such appeals will have to be filed in Pune and, therefore, there are issues of time and logistics involved. On the basis of the instructions, he submits that this Court may grant some limited protection for a period of about four weeks, so that such of the members of the Petitioners who have been served with demolition

orders, are in a position to institute appeals and apply for interim reliefs before the National Green Tribunal.

3. Mr. Lobo has pointed out that presently, there are no regular sittings of the Tribunal at Pune. It is further pointed out that it becomes difficult for the members of the Petitioners to institute appeals before the Tribunal at Pune and secure urgent interim orders.

4. Taking into consideration the aforesaid, we direct that the demolition orders made against the members of the Petitioner may not be enforced for a period of four weeks from today. However, we also make it clear that if, within the period of four weeks from today, the members of the Petitioners who have been served with demolition orders, fail to secure any ad interim or interim relief from the Tribunal, the protection granted today, shall stand vacated and the Authorities may then proceed to execute their own orders.

5. We make it clear that the aforesaid interim relief is granted only taking into consideration the peculiar circumstance that the Tribunal is not holding regular sittings at Pune and it will be difficult for large number of members of the Petitioners to immediately access the Tribunal and secure interim relief. We record this only to clarify that we have not examined the merits of the matter and, therefore, the Tribunal need not, in any manner, influence by the circumstance that we have granted this limited protection to the members of the

Petitioner.

6. Since the limited relief with the aforesaid effect was pressed in this Petition, we dispose of the Petition with the aforesaid limited protection.

7. All contentions of the Petitioner, or rather the members of the Petitioner who have been served with the demolition orders, are expressly kept open, to be agitated before the Tribunal.

8. The Petition is disposed of.

9. All concerned to act on the basis of an authenticated copy of this order.

Nutan D. Sardesai, J.

M.S. Sonak, J.