

IN THE HIGH COURT OF BOMBAY AT GOA

*PUBLIC INTEREST LITIGATION
WRIT PETITION NO.56 OF 2019*

OSWALD SERGIUS D'SOUZA. Petitioner

Versus

STATE OF GOA, THROUGH THE
CHIEF SECRETARY AND 10 ORS. Respondents

Mr. Amey Sinai Kakodkar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General along with Ms. Ankita Kamat,
Additional Government Advocate for Respondents No.1, 2, 4, 6 to 10.

Mr. J. Godinho, Advocate for Respondent No.5.

Mr. Abhijit Gosavi, Advocate for Respondent No.11.

Coram:- M.S. SONAK &
C. V. BHADANG, JJ.

Date:- 13th November, 2019

ORAL ORDER: (Per M. S. Sonak, J.)

Heard Mr. A. Kakodkar for the Petitioner, Mr. D. Pangam, learned Advocate General for Respondents No.1, 2, 4, 6 to 10 which includes the Goa Coastal Zone Management Authority (GCZMA) and Town and Country Planning Department. Mr. J. Godinho appears for Respondent No.5 and Mr. Gosavi for Respondent No.11.

2. This petition is instituted in purported public interest seeking some action against the construction put up or being put up by respondent no.11.

3. Respondent no.11, apart from denying the allegations in the petition, has filed an affidavit in which he has pointed out to several illegal constructions put up by the petitioner and petitioner's family members as are listed in paragraph 8 of the reply. Even the petitioner has filed his affidavit in which he has indicated that he has not put up any illegal constructions except for a garage wherein he parks his car. On the basis of the material on record, we are satisfied that this is not some bonafide public interest litigation.

4. However, we direct the GCZMA, Town and Country Planning Department and the concerned Panchayat to look into the activity undertaken by respondent no.11 and to take action in accordance with law within a period of four months from today. No doubt the authorities will have to comply with the principles of Natural Justice and fair play.

5. Similarly, we direct the GCZMA and the concerned Panchayat to also look into the constructions pointed out by the respondent no.11 in affidavit dated 08.11.2019 and to take action against the same, again, in accordance with law and by complying with the

principles of Natural Justice and fair play. Even this action will have to be taken within three months from today.

6. Since, we are satisfied that this petition was not a bonafide public interest litigation, we forfeit the amount of ₹10,000/- deposited by the petitioner in this Court in pursuance to our order dated 16.10.2019. This amount is to be made over to the Legal Services Authority.

7. This petition is disposed of in the aforesaid terms.

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

C. V. BHADANG, J.

M.S. SONAK, J.

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