

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.1031 OF 2018

Mr. John Joseph D'Souza,
Major of age, R/o.2/125-A,
Pequen Morod, Saligao,
Bardez-Goa 403511.

... Petitioner

V e r s u s

1. The Coastal Aquaculture Authority,
Government of India,
Through its Member Secretary,
GDR Tower, 12-A, Bharathi
Stree, Vanuvampettai, Madipakk,
AM, P. O. Chennai - 600091.
 2. The State Level Aquaculture Committee,
Through its Chairman,
Secretary of Fisheries,
Government of Goa,
Panaji-Goa - 403001.
 3. The North Goa District Level
Coastal Aquaculture Committee,
Through Chairman, Office of the
Collector, North Goa,
Panaji-Goa, 403001.
 4. Mr. Jose Lobo,
Major of age, r/o Tuem Village,
Pernem, Goa.
 5. The Goa Foundation,
A Society Registered Under
The Societies Registration
Act, 1860, Through its
Secretary, Dr. Claude Alvares,
Regd. Addr. Room 7,
Above Mapusa Clinic,
Mapusa 403507, Goa.
- ... Respondents.

Mr. G. Panandikar, Advocate for the Petitioner.
Mr. C. Padgaonkar, Advocate holding for Mr. Mahesh Amonkar,
Central Government Standing Counsel for the Respondent

no.1.

Mr. Deep Shirodkar, Additional Government Advocate for the Respondent nos.2 and 3.

Mr. Sivagnanam K., Advocate holding for Ms. Norma Alvares, Advocate for the Respondent no.5.

Coram :- C. V. BHADANG, J.

Date :- 6th March 2019.

ORAL JUDGMENT

1. Rule, made returnable forthwith. Learned Counsel for the Respondents waive service. Heard finally by consent of parties.

2. By this petition, the petitioner is challenging the communication dated 08.10.2018 by the first respondent, along with the Minutes of the Meeting dated 10.01.2018 (59th Meeting) by which the licence granted to the petitioner for conducting a Coastal Aquaculture Farm, has been cancelled.

3. Indisputably, the said decision is taken by the first respondent without hearing the petitioner or issuance of any show cause notice and thus it is clearly in breach of the principles of natural justice.

4. The only contention raised on behalf of the petitioner is that the first respondent should grant an opportunity of hearing to the petitioner and thereafter pass appropriate order.

5. The learned Counsel for the respondent no.1 states that the first respondent shall abide by any order as may be passed by this Court.

6. The learned Additional Government Advocate for the respondent nos.2 and 3 submits that the State Level Committee has already made a recommendation.

7. Considering the fact that the impugned order is passed in breach of principles of natural justice, the same is liable to be set aside and the following order is passed :

ORDER

(i) The petition is allowed.

(ii) The impugned order/communication dated 08.10.2018 and the Minutes of the Meeting dated 10.01.2018 are hereby quashed and set aside.

(iii) The learned Counsel for the petitioner undertakes to file a reply before the first respondent, raising all such contentions as may be available in law and facts, within two weeks from today. On such a reply being filed, the first respondent shall hear the petitioner and the respondent nos.4 and 5 and thereafter pass appropriate order as may be deemed just and necessary.

(iv) The rival contentions of the parties are left open.

(v) The first respondent shall decide the matter within a period of eight weeks from the receipt of the reply.

(vi) The petition is disposed off in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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