

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 42 OF 2018

THE GOA FOUNDATION, THR. ITS
SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

GOA COASTAL ZONE MANAGEMENT
AUTHORITY, THR. ITS MEMBER
SECRETARY AND 5 ORS., ... Respondents

Ms. Anamika Gode, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Additional Government Advocate for
the Respondent Nos. 1, 2, 3 & 5.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 1st April 2019

P.C.:

By this PIL Writ Petition, the Petitioner has prayed for an order of cancellation of all approvals granted by the Respondents for water sports activity on and around Morjim and Mandrem beaches.

2. On 30.11.2018, the learned Additional Government Advocate informed this Court that the activities which were alleged to be harmful to the environment, had already been suspended.

3. On 02.02.2019, the learned Additional Government

Advocate made a statement before this Court that the activities which were alleged to be harmful to the turtles and the turtle nesting sites, had already been suspended. Notices had been issued on 17.12.2018 to the operators of water sports, and final decision on such notices would be taken shortly.

4. Pursuant to the said order, show cause notices were issued to various operators of sports activities on 06.02.2019. On 04.03.2019 the Prescribed Authority and Deputy Director of Tourism (North Zone Office), Department of Tourism, Panaji, Goa, has withdrawn the show cause notice dated 06.02.2019 issued to Malaney Consultants Pvt. Ltd., since the said operator had carried out change in the zone of operation of their said vessel from Morjim beach stretch to Vagator beach stretch.

5. The authority has further ordered that Malaney Consultants Pvt. Ltd. shall not carry out any motorized water sports activity or any other water sports activity on Morjim beach, which is detrimental in any way to the turtle nesting. Similar orders are passed in respect of other operators on 04.03.2019. A compilation of such orders are tendered across the bar by learned Additional Government Advocate. The orders as well as copy of the show cause notices are taken on record.

6. In view of the orders already passed by the authority on

04.03.2019, learned Counsel for the Petitioner states that this PIL Writ Petition does not survive. The statement is accepted.

7. If the Petitioner finds any breach of the orders passed by the authority in future, the Petitioner would be at liberty to file a fresh petition or appropriate proceedings against the Government for non-compliance of the orders passed by the authority, and also against the operators.

8. The PIL Writ Petition is disposed of in the aforesaid terms. There shall be no orders as to costs.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

Dv