

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 855 OF 2009
WITH
CONTEMPT PETITION NO.1 OF 2012***

SEA SCAN MARINE SERVICES PVT. LTD

AND ANR.

... Petitioners

Versus

CAPTAIN OF PORTS AND 4 ORS.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Kenny, Advocate for the Petitioners.

Mr. D. Shirodkar, Addl. Government Advocate for the State.

Mr. S. Sayed, Advocate for Respondent No.5.

***Coram:- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.***

Date:- 25th June 2019

P.C.

This petition was filed by the Petitioners who are engaged in the business of providing facilities to tourists coming to Goa by way of arranging either boat rides or hiring boats to be plied within the inland waters in the State of Goa and were using River Navigation Department (RND) jetty at Panaji. By a notice dated 16.09.2009, the Petitioners were served with a notice for removal of vessels kept illegally at the RND jetty at Panaji by the Government of Goa, River Navigation Department. This notice was challenged by the Petitioners in the present petition. When the petition was

before this Court for admission, learned Government Advocate appearing for the State produced a copy of communication made by the Captain of Ports to the Petitioners on 04.01.2010. In the light of this communication, it was submitted by the Government Advocate that the Petitioners having no right to seek a renewal of licence and their licence having already expired, the petition ought to be dismissed. At that stage, learned counsel for the Petitioners submitted that though the Petitioners' licence was not renewed, the State had favoured a few of the other licence holders who had erected permanent structures near the jetty and were using the same as restaurants, casinos, etc. Learned counsel submitted that there were no guidelines framed by the State for the use of the jetty. This Court was of the view that though *prima facie* there was no merit in the Petitioners' challenge, the issue raised by learned counsel for the Petitioners required to be looked into in public interest. In that view of the matter, this Court deemed it appropriate to take suo motu cognizance and treat the petition as Public Interest Litigation. That was sometime in 2010. The petition was, accordingly, amended and notices were issued to the State. The matter has been hanging fire ever since then. Nothing significant appears to have happened in the matter in the meanwhile.

2. Mr. Lotlikar, learned Senior Advocate appearing for the

Petitioners, submits that the Petitioners are no more interested in prosecuting the petition.

3. In the facts narrated above, we do not deem it fit to continue to entertain this petition as PIL and dispose of the petition as not pressed. We make it clear that the grievances originally placed before this Court and which prompted the Court to take cognizance in public interest are not in any manner decided or even considered while disposing of the petition. It will be open to the interested parties to agitate their grievances in this behalf in appropriate proceedings, if so advised.

4. The Petitioners had also filed a Contempt Petition in the present Writ Petition, alleging *inter alia* a breach on the part of Respondent Nos.1 and 2, i.e. Captain of Ports and Administrator-cum-Accounts Officer, River Navigation Department, of an undertaking recorded in the order passed by this Court on 23.03.2011. Even this matter has been hanging fire for last 8 years. The Court is informed that even service has not been fully effected on all the Respondents. Since the Petitioners anyway have no interest in prosecuting the main petition or the contempt petition herein, the petition is disposed of as not pressed.

NUTAN D. SARDESSAI, J.

at*

S. C. GUPTE, J.