

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.809 OF 2019

Conscient Infrastructure Pvt.
Ltd., Rep. by its Aut. Rep.,
Nonla B. Sawant.

.... Petitioner.

V/s.

1. State of Goa,
Through Chief Secretary
and 7 Ors.

.... Respondents

Mr. Aniroodh C. Sardesai, Advocate for the petitioner.

Mr. Pravin N. Faldessai, Additional Government Advocate for the
respondents no.1, 2 and 3.

Mr. Kiran More, Advocate for the respondent no.4.

**Coram : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.**

Date : 14th January, 2020.

P.C.:

Heard Mr. Aniroodh Sardesai, the learned Counsel for
the petitioner, Mr. Pravin Faldessai, the learned Counsel for the

respondents no.1, 2 and 3 and Mr. K. More, the learned Counsel for the respondent no.4.

2. Mr. A. Sardesai, the learned Counsel for the petitioner states that despite efforts no service has been possible upon the respondents no.6, 7 and 8, mainly because of the non-availability of the correct address. This matter was adjourned from time to time in order to enable the petitioner to serve on the respondents no.6, 7 and 8, since, it was alleged that its the respondents, who had undertaken illegal mud filling in low lying fields without obtaining any permissions from any statutory authorities.

3. Today, Mr. P. Faldessai, the learned Additional Government Advocate places on record the Show Cause Notice/Stop Work Order dated 16.5.2019 issued by the Deputy Collector (DRO), Panaji, Goa, to the respondents no.6, 7 and 8. He states that in pursuance to the Show Cause Notice / Stop Work Order, further work of mud filling has been stopped at the site. The learned Counsel for the petitioner states that the work has been completed and there is necessity that this mud which has been illegally dumped is required to be removed and the fields are to be restored to its original condition.

4. Now that the Deputy Collector (DRO) has already issued the Show Cause Notice, there is no necessity to keep the present petition pending. However, we direct the Deputy Collector (DRO) Panaji, Goa, to dispose of the Show Cause Notice dated 16/5/2019 as expeditiously as possible and within three months from today. No doubt the DRO have to comply with the principles of natural justice and fair play in disposing of the Show Cause Notice dated 16/5/2019. Since, we are making it clear that principles of natural justice have to be complied with there is no necessity to await the service upon the respondents no.6, 7 and 8 for the purpose of disposal of this petition.

5. If the petitioner seeks to intervene with the pleading before the DRO, the petitioner is at liberty to do so by making such application before him. The DRO to dispose of such application in accordance with law. However, the Show Cause Notice will have to be disposed of within three months from today and should not be delayed on action of such obligation.

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

7. All concerned to act on the basis of an authenticated copy of

the Order.

SMT. M.S. JAWALKAR, J. *M. S. SONAK, J.*
*af**