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IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.50 OF 2019

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

.... Petitioner

Versus

CAPTAIN OF PORTS DEPARTMENT,
THR. THE CAPTAIN OF PORTS
AND OTHERS.

.... Respondents

Ms. Norma Alvares with Ms. Anamika Gode, Advocates for the
Petitioner.

Mr. Pravin Faldessai, Addl. Government Advocate for Respondents
No.1 and 2.

Mr. Nigel Da Costa Frias with Mr. G. Malik, Advocates for
Respondent No.3.

Mr. S. Kantak, Senior Advocate with Mr. R. Kantak, Advocate for
Respondent No.4.

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

Date:- 15th January, 2020

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

Heard Ms. Norma Alvares for the petitioner, Mr. Pravin
Faldessai, Additional Government Advocate for Respondents No.1 and

2, Mr. Nigel Da Costa Frias for Respondent No.3 and Mr. S. Kantak, Senior Advocate with Mr. R. Kantak, Advocate for Respondent No.4.

2. In this petition, the petitioner, has sought for following substantive reliefs:

"a) For an order quashing and setting aside the permission dated 19.10.2016, and the subsequent orders extending its validity dated 12.10.2017 and 16.10.2018;

b) For costs of this petition;

c) For any other reliefs this Hon'ble Court may be pleased to grant."

3. The aforesaid means that the main challenge in this petition is to the permission dated 19.01.2016 issued by Captain of Ports and the subsequent orders extending the validity of such orders i.e. the orders dated 12.10.2017 and 16.10.2018.

4. In terms of order dated 16.10.2018, the validity of the permission dated 19.10.2016 was extended upto 19.10.2019. It is pointed out by Ms. Alvares, the learned counsel for the petitioner that there is no subsequent extension. This position is confirmed by the learned Additional Government Advocate as well as learned Senior Advocate appearing for respondent no.4.

5. Accordingly, there is no point in keeping this petition pending any further. However, we clarify that if any further permissions/extensions are granted, then, the petitioner, is at liberty to challenge the same in accordance with law.

6. Ms. Alvares also states that at present, at the site, there is no work going on, on the basis of the permissions dated 19.10.2016 or even otherwise. This position is confirmed by the learned Senior Advocate appearing for respondent no.4. This is an additional reason for not keeping this petition pending.

7. Mr. Faldessai, learned Additional Government Advocate states that if the Captain of Ports grants any fresh permissions or extends the validity of such permissions, intimation in this regard will be furnished to the petitioner, along with the copy of any such order. This statement is accepted.

8. Ms. Alvares states that Captain of Ports has no jurisdiction to grant these type of permissions. This position is however contested by the learned Additional Government Advocate as well as the learned Senior Advocate appearing for respondent no.4. According to us, at this stage, since the permission is not in force, we are not required to go into this issue.

9. The petition is accordingly disposed of leaving open all contentions of all parties.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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