

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1028 OF 2019

1) M/s. Saldanha Developers Pvt. Ltd.
A Private Limited Company, with its
registered Office at 5/6, Pawan Palace,
Sitladevi Temple Road, Mahim,
Mumbai 400 016, with its local office
at 302, Mathias Plaza, 18th June Road,
Panaji, Goa 403 001, represented by
its Managing Director, Mr. Benedict
Saldanha, son of Joseph M. Saldanha,
businessman, residing at
La Marvel Colony, Dana Paula, Goa.

2) Mr. Benedict Saldanha,
son of Joseph M. Saldanha, 59 years
of age, Indian National, businessman,
residing at La Marvel Colony,
Dana Paula, Goa.

.... Petitioners.

Versus.

1) The Goa Coastal Zone Management
Authority, c/o. Department of Science,
Technology & Environment, First Floor,
Pt. Deen Dayal Upaday Bhawan,
Pundalik Nagar, Alto Porvorim,
Bardez, Goa 403 521.

2) Union of India, through the
Secretary, Ministry of Environment.
Forest and Climate Change,
Government of India,

Indira Paryavaran Bhavan,
166, Jorbagh Road, Lodi Colony,
New Delhi 110 003.

..... Respondents.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Sagar Rivankar ,
Advocate for the Petitioners.

Ms. Ankita Kamat, Additional Govt. Advocate for Respondent
No.1.

Mr. Raviraj Chodankar, Additional Standing Counsel for Respondent
No.2.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.***

Date : 20th January, 2020.

ORAL JUDGMENT : (Per M.S. SONAK, J.)

Heard Mr. J.E. Coelho Pereira, learned Senior Advocate along with Mr. Sagar Rivankar for the Petitioners, Ms. Ankita Kamat, learned Additional Govt. Advocate for Respondent No.1 and Mr. Raviraj Chodankar, learned Additional Standing Counsel for Respondent No.2.

2. Rule. Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. In this Petition, a limited relief sought for by the

Petitioners is to direct Respondent No.2 to take an appropriate decision on the Resolution dated 22nd June, 2018, passed by Respondent No.1 at its 176th Meeting and/or on the letter dated 9th July, 2018, bearing reference No. GCZMA/S/ILLE-COMPL/18-19/05/588 of the Member Secretary of the Respondent No.1, which is at page 126 of the paper book to this Petition.

4. Perusal of the communication dated 9th July, 2018 indicates that Respondent No.1 was in receipt of a complaint from one Jose Fernandes with regard to the construction which was being carried out by the Petitioners. This complaint was considered by Respondent No.1 in its meeting held on 22nd June, 2018 wherein both the parties were heard. Respondent No.1 noted that two issues arise in the matter and upon deliberations, decided to continue with the order of stoppage of work and to forward the complaint of Jose Fernandes and reply of the Petitioners herein to Respondent No.2 to decide the validity of the clearance issued by Respondent No.2 in the year 2006.

5. Though the reference in terms of the communication dated 9th July, 2018 was made in July, 2018, till date, there is no decision forthcoming from Respondent No.2. Hence, the present Petition.

6. According to us, Respondent No.2 will have to answer the reference made to it vide the communication dated 9th July, 2018, one way or the other, within some reasonable period. At this stage, it is not for this Court to go into the rival contentions, but one thing is clear that is, that Respondent No.2 will have to dispose of this reference one way or the other within a reasonable period, in accordance with law and on its own merits.

7. Accordingly, we direct Respondent No.2 to dispose of the reference in terms of the communication dated 9th July, 2018, on its own merits and in accordance with law, as expeditiously as possible and, in any case, within a period of six weeks from today.

8. The Petition is disposed of with the aforesaid directions.

9. The learned Additional Standing Counsel to forthwith communicate this order to Respondent No.2, so that the reference is disposed of within the time indicated by us.

10. All concerned to act on the basis of an authenticated copy of this Judgment and Order.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.