

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1105 OF 2019**

Mr. Minguel Caetano Do Rosario Vaz,
s/o. Late Antonio Joaquim Santan
Nolasco Da Purificacao Vaz,
married, retired, Indian National,
78 years of age, resident of Loutlim,
Salcete – Goa.

Thr. Power of Attorney

Mr. Morgan Travasso,
s/o. Victoriano Travasso,
42 years of age, resident of
House No.143/3, Madhalawada,
Harmal, Pernem, Goa.

.... Petitioner.

V/s.

1. The Goa State Coastal Zone
Management Authority,
Thr. its Member Secretary,
having Office at 1st Floor, Pt.
Deendayal Upadhyay Bhavan,
Pundalik Nagar, Alto Porvorim,
Bardez – Goa.

2. State of Goa,
Through Chief Secretary,
Secretariat, Alto-Porvorim,
Bardez – Goa.

3. Mr. Nitin Kudav,

major of age, Indian National,
resident of House No.479,
Arambol, Pernem – Goa.

.... Respondents

Mr. Jitendra P. Supekar with Mr. Sufiyan Sayed, Advocates for the petitioner.

Mr. Manish Salkar, Government Advocate for the respondents no.1 and 2.

Mr. Parikshit Sawant, Advocate for the respondent no.3.

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

Date : 14th January, 2020.

Oral Judgment: (Per M.S. Sonak, J.) :

Heard Mr. Jitendra Supekar, the learned Counsel for the petitioner, Mr. Manish Salkar, the learned Government Advocate for the respondents no.1 and 2 and Mr. Parikshit Sawant, the learned Counsel for the respondent no.3.

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

3. The basic grievance of the petitioner is that the

respondent no.3 has carried out certain unauthorized structures within the area covered under the Coastal Regulation Zone (CRZ) Notification 2011, as amended from time to time. It is the case of the petitioner that despite his filing complaints, no action was being taken by the respondent no.1, the Goa State Coastal Zone Management Authority (GSCZMA), which is duty bound to take action in terms of the law.

4. The respondent no.3, has denied that any illegal construction has been put up and maintains that whatever structures have been put up are in accordance with the permissions/NOC's granted by such authorities.

5. Since, the complaint was that the GSCZMA was not taking any action, we direct the GSCZMA to inspect the site. The site was ultimately inspected on 7/1/2020 and 9/1//2020. Mr. Salkar, the learned Government Advocate, has now placed before us a copy of the Site Inspection Report. He states that the said Inspection Report thus indicate prima facie some illegalities and the GSCZMA will issue a Show Cause Notice to the respondent no.3 as well as certain other parties in relation to the illegal structures at the site. Mr. Salkar, the learned Government Advocate, states that the Show Cause Notice will be issued within a period of three weeks from today and

the same will be disposed of as expeditiously as possible and in any case within a period of three months from today.

6. The respondent no.3 complains that even the petitioner has put up some illegal structures at or around the site. The GSCZMA is directed to inspect the site and if, the petitioner or any of his relations have put up any illegal construction at the site the GSCZMA are entitled to take action as well.

7. In fact the GSCZMA authorities goes for inspection and if they notice any violation under the GSCZMA, the law requires that they take cognizance of any such act and under such law.

8. We clarify that the GSCZMA must comply with the principles of natural justice and fair play, while taking action against any illegalities pointed out to them. The principles of natural justice and fair play will have to be complied with the present case as well.

9. In the facts of this particular case, we direct that even the petitioner is heard by GSCZMA when hearing is offered to the respondent no.3. However, we make it clear that if the petitioner fails to remain present or otherwise seeks any adjournments, then, the

GSCZMA shall not delay its action. Mr. Jitendra Supekar, the learned Counsel for the petitioner states that if ultimately the petitioner's complaint is found to be false and there are no illegalities committed by the respondent no.3 as alleged or even otherwise, the petitioner will pay costs of Rs.10,000/- in favour of GSCZMA. This statement is accepted.

10. This petition is disposed of with the aforesaid directions. There shall be no order as to costs.

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

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

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