

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION
WP NO.11/2020

Advino Fernandes.

..... Petitioner.

Versus

The State of Goa and others.

..... Respondents.

Mr. Hanumant Naik, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar, Addl. Govt.
Advocate for Respondents No.1 to 5 and 8.

Mr. Shivan Desai, Advocate for Respondent No.7.

Coram : M.S. Sonak &
Smt. Bharati H. Dangre, JJ.

Date : 11th January, 2021.

P.C. :-

Heard Mr. Hanumant Naik for the Petitioner. Mr. D. Pangam, the learned Advocate General appears for Respondents No.1 to 5 and 8. Mr. Shivan Desai appears for Respondent No.7. For the order which we propose to make, no notice is necessary to Respondent No.6-Village Panchayat of Reis Magos.

2. Without going into the merits or demerits of the various contentions raised by the Petitioner in this Petition and keeping open all objections, including objections to the bonafides of the Petitioner,

as raised by and on behalf of Respondent No.7 open, we dispose of this Petition by accepting the statement of the learned Advocate General that the show cause notice dated 14/5/2018, issued by the Goa Coastal Zone Management Authority (GCZMA) to Respondent No.7 will be disposed of as expeditiously as possible and, in any case, within a period of three months from today. Similarly, we accept the statement made by the learned Advocate General that Respondent No.8-Additional Director of Panchayat-I will dispose of the Panchayat Appeal No.220/2019/7240 filed by Respondent No.7, as expeditiously as possible and, in any case, within a period of 3 months from today.

3. We accept the statements of the learned Advocate General and direct the concerned authorities to act accordingly and dispose of the proceedings before them as expeditiously as possible and, in any case, within a period of three months from today. Needless to add that such disposal shall be in accordance with law and following the principles of natural justice and fair play. Respective decisions to be communicated to the parties, within the period of three months, maximum.

4. We once again make it clear that we have not gone into the merits or demerits and, therefore, all contentions of the Petitioner are expressly kept open for determination by the concerned authorities in

accordance with law and on their own merits.

5. We also clarify that we have not gone into the contentions in relation to prayer clause (a) of this Petition i.e. challenge to the approval/NOC dated 23/10/2017, technical clearance dated 22/12/2017 and the construction licence dated 3/1/2018. Therefore, should the occasion arise, the Petitioner, subject to whatever objections Respondent No.7 may have in the matter, will have liberty to take out appropriate proceedings for challenging the same.

6. The learned Counsel for the parties state that they will cooperate with the GCZMA and the Additional Director of Panchayats for expeditious disposal of the proceedings before them. The Additional Director of Panchayats, if necessary, may prepone the proceedings since, we are informed that the next date is now fixed on 16/02/2021.

7. With the aforesaid directions, we dispose of this Petition. There shall be no order as to costs.

8. All concerned to act on the basis of an authenticated copy of this order.

Smt. Bharati H. Dangre, J.

M.S. Sonak, J.