

**HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.108 OF 2021**

OCEANS AND PALMS, RESORTS Petitioners
PVT. LTD., REP. BY ITS AUT. REP.,
RONALD PINTO

VS

THE STATE OF GOA, THR.ITS Respondents
CHIEF SECRETARY AND 6 ORS

Mr. Gauresh Malik, Advocate for the petitioners.

Mr. D. Pangam, Advocate General with Mr. G. Shetye, Additional
Government Advocate for respondent Nos. 1 to 4 and 6.

Mr. Balkrishna Sardessai, Advocate for respondent No.7.

**CORAM: M.S. SONAK &
BHARATI DANGRE, JJ**

DATE : 3rd MARCH, 2021.

P.C.:

Heard Mr. Gauresh Malik, learned Advocate for the
petitioners, Mr. D. Pangam, learned Advocate General with Mr. G.
Shetye, learned Additional Government Advocate for respondent
Nos. 1 to 4 and 6 and Mr. Balkrishna Sardessai, learned Advocate
for respondent No.7.

2. On 22/02/2021 we made the following order :

“Heard Mr. Nigel da Costa Frias for the Petitioner.

2. *Issue notice to the Respondents, returnable on 3rd March,2021. In addition to the usual mode of service, private service is permitted.*

3. *Mr. D. J. Pangam, the learned Advocate General appears along with Mr. G. Shetye, the learned Additional Govt. Advocate for Respondents No.1,2,3, 4 and 6.*

4. *Having regard to the stop work order dated 28/1/2021 and the averments in the Petition that Respondent No.7 is undertaking the construction without obtaining permissions from any of the Authorities and that too in an area which, prima facie, covered under the CRZ Notification, we direct Respondent No.7 to stop the ongoing construction activity, until the next date.*

5. *Further, we direct Respondent No.3 to visit the site and to ascertain whether the allegations in this Petition are correct and if so, to initiate appropriate action as is permissible under the law. 6.S.O. To 03/03/2021.7.*

6. *All concerned to act based on the authenticated copy of this order.”*

3. The learned Advocate General states that the GCZMA officials have inspected the site and action is proposed to be initiated against the respondent No.7 against the construction which has been put up. The learned Advocate General points out that there is already a Stop Work Order issued by the Panchayat which is in operation.

4. Be that as it may, Mr. Sardessai, learned Counsel for respondent No.7, on instructions from the respondent No.7, states that presently there is construction going on at the site.

5. Accordingly, we dispose of this petition directing the GCZMA as well as the Panchayat of Cavelossim to take such action as is permissible under the law and conclude such proceeding one way or the other within three months from today. The authorities will have no doubt to comply with the principles of natural justice and fair play. If the petitioner desires to be heard in the peculiar facts of the present case, hearing may be granted to the petitioner as well. However, under no circumstances should the petitioner delay the proceedings before the authorities.

6. Until such action is concluded the statement on behalf of respondent No.7 that no further construction will be undertaken will stand. In fact we direct the respondent No.7 not to undertake any further construction until the disposal of proceedings by GCZMA and the concerned Panchayat.

7. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

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

BHARATI DANGRE,J.
mv

M.S. SONAK,J.