

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.150 OF 2021**

PREMANAND GANESH PAGUI .. Petitioner
VS
DAYANAND GANESH
PAGUI AND 6 ORS .. Respondents

Mr. C. A. Ferreira and Mr. S. Kamulkar, Advocates for the Petitioner.
Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional
Government Advocate for Respondent Nos.5 and 6.
Mr. Shivan Desai and Mr. A. Sardesai, Advocates for Respondent Nos.3
and 4.
Mr. S. Sardesai, Advocate for Respondent No.1.
Mr. Shivam Phadte, Advocate for Respondent No.2.
Ms. R. Pereira, Advocate for Respondent No.7.

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

Date : 6th April 2021

P.C.

The basic grievance in this petition is that the Canacona Municipal Council (Respondent No.7) and the Goa Coastal Zone Management Authority (Respondent No.6) are not taking action against the certain constructions, which according to the Petitioner are unauthorized.

2. The Petitioner has made complaints to these two authorities. The same are annexed to this petition.

3. Mr. Ferreira points out that in respect of one of the structures, the GCZMA has already issued a notice which is to be found at Annexure-L at page 63. This notice is dated 18th November 2020.

4. We direct the GCZMA to dispose of the show cause notice cum stop work order dated 18th November 2020 as expeditiously as possible and in accordance with law. The GCZMA will obviously have to comply with the principles of natural justice while disposing of this notice. Since, there is a stop work order contained in the notice dated 18th November 2020, the GCZMA to ensure that the same is implemented.

5. The learned counsel for the Respondent No.2 states that presently there is no construction work carried out by Respondent No.2 to whom the show cause notice cum stop work order dated 18th November 2020 is issued.

6. The GCZMA and the Canacona Municipal Council to look into the complaints made by the Petitioner and dispose of such complaints on their own merits and in accordance with law as expeditiously as possible and in any case within a period of three months from today. These two authorities to inspect the site at the earliest and if they find that there is any illegal construction going on, then, to issue necessary notice including the notices to stop such construction works.

The authorities to also take steps to implement their own stop work order, if issued.

7. While taking such action, the two authorities should comply with the principles of natural justice.

8. We clarify that we have not gone into the rival contentions and it will be for the authorities to go into such rival contentions. Basically, the authorities ought to be concerned with the legality or otherwise of the structures in question.

9. With the aforesaid direction, this petition is disposed of.

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

SMT. M.S. JAWALKAR, J.

M.S. SONAK, J.

*at**

TARI AMRUT
NAGESH

Digitally signed by TARI AMRUT
NAGESH
Date: 2021.04.07 15:15:09 +05'30'