

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.116 OF 2021**

NIMPHA RODRIGUES

....PETITIONER

Versus

STATE OF GOA,

THR. ITS CHIEF SECRETARY & 4 ORS

... RESPONDENTS

Shri Parag Rao and Ms. S. Kushawaha, Advocates for the Petitioner.

Ms. M. Correia, Additional Government Advocate for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 24 February 2021****ORAL ORDER :**

This matter arises out of the Environment (Protection) Act, 1986. The specific allegation concerns the violation of CRZ Regulations; it was in response to the notice issued by the second respondent. The petitioner initially took a couple of adjournments before it could file its reply. As the record bears out, the petitioner filed its reply on 16.02.2021. But before that, in its meeting dated 28.01.2021, the GCZMA noted that the petitioner had not filed its reply as yet. Then, it issued an interim direction to the petitioner to stop all commercial activities until further orders. The order, it seems, was passed on 18.02.2021, but it reached the petitioner on 22.02.2021. Assailing that order, the petitioner has filed this Writ Petition.

2. In response to the submissions advanced by Shri Parag Rao, the learned counsel for the petitioner, Ms. M. Correia, the learned Additional Government Advocate, has straight away drawn my

attention to Section 16(g) of the National Green Tribunal Act, 2010. According to her, the petitioner has an efficacious alternative remedy; it must go before the National Green Tribunal.

3. Under these circumstances, this Court is disinclined to exercise its extraordinary supervisory jurisdiction under Article 227 of the Constitution of India. It is evident that the petitioner has an efficacious alternative remedy. But given the urgency and also given the grievance on the count of the alleged violation of the principles of natural justice, the petitioner has invoked Article 227 of the Constitution of India. The invocation of this Court's jurisdiction may be wrong, but it is bona fide. Under these circumstances, the petitioner should not be put to prejudice, nor should the situation become irreversible.

4. So, to meet the ends of justice and equity, I hold that the impugned order shall not be given effect to for four weeks from today. Meanwhile, the petitioner may explore its remedial options, including his approaching the National Green Tribunal.

5. With these observations, I close this Writ Petition.

DAMA SESHADRI NAIDU, J.

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NITI K
HALDANKAR

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