

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.139 OF 2021

DAYANAND KRISHNA NAIK AND ANR. ... Petitioner.

VS

THE GOA COASTAL ZONE
MANAGEMENT

AUTHORITY, THR. ITS

MEMBER SECRETARY AND 20 ORS. ... Respondents.

Ms. Prema Matkar, Advocate for the Petitioner.

Mr. Devidas Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for Respondent No. 1.

Mr. Yogesh Nadkarni, Advocate for Respondents No.9 and 10.

**Coram : M.S. SONAK &
SMT. BHARATI H. DANGRE, JJ.**

Date : 3rd March, 2021

P.C.:

Heard Ms. Matkar, learned Counsel who appears on behalf of the Petitioner under Legal Aid scheme, Mr. Devidas Pangam, learned Advocate General who appears on behalf of GCZMA and Mr. Yogesh Nadkarni who appears on behalf of Respondents No.9 and 10.

2. The learned Advocate General as well as Mr. Nadkarni points out that as against the impugned directions dated 29.01.2021, the Petitioners

have an alternate and efficacious remedy available to them under the National Green Tribunal Act, 2010. Ms. Matkar, however, attempted to contend that there was a violation of principles of natural justice, and therefore, the Petitioners should not be relegated to the alternative remedy. The record indicates that the Petitioners were heard before the council before the GCZMA. In these circumstances, we do not feel that this is a fit case to waive the normal rule and entertain this petition.

3. Ms. Matkar then points out that the Petitioners are mundkars and if before they file proceedings before the National Green Tribunal their structures are demolished, grave and irreparable loss will occasion them.

4. By keeping open all contentions of all parties, we dispose off this petition by granting the Petitioners liberty in the aforesaid terms and directing the GCZMA not to execute its order for a period of four weeks from today.

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

6. The application for stay does not survive. The same is also disposed off.

BHARATI H. DANGRE, J

jfd/-

M.S. SONAK, J.