

HIGH COURT OF BOMBAY AT GOA**PIL WRIT PETITION NO.10 OF 2021
AND
PIL WRIT PETITION NO.11 OF 2021****PIL WRIT PETITION NO.10 OF 2021**

ANTHONY FRANCIS VASAND 10 Petitioners
ORS

VS

THE DISTRICT COLLECTOR, Respondents
NORTH GOA ,PANAJI AND 2 ORS

Ms. Norma Alvares and Ms. Anamika Gode, Advocates for the petitioners.

Mr. S.G. Desai, Senior Advocate with Mr. A.V. Pavithran and Ms. S. Joshi, Advocates for respondent No.2.

Ms. Ankita Kamat, Additional Government Advocate for respondent Nos.1 and 3.

AND

PIL WRIT PETITION NO.11 OF 2021

GOENCHE RAPONKARANCHO Petitioners
EKVOTT, THR. THEIR GEN.SEC.,
OLENCIO DANANJAY SIMOES
AND 6 ORS

VS

THE DISTRICT COLLECTOR, Respondents
SOUTH GOA AND 2 ORS

Ms. Norma Alvares and Ms. Anamika Gode, Advocates for the petitioners.

Mr. S.G. Desai, Senior Advocate with Mr. A.V. Pavithran and Ms. S. Joshi, Advocates for respondent No.2.

Ms. Ankita Kamat, Additional Government Advocate for respondent Nos.1 and 3.

**CORAM: M.S. SONAK &
SMT. M.S. JAWALKAR, JJ
DATE : 6TH APRIL, 2021.**

P.C.:

Heard Ms. Norma Alvares who appears alongwith Ms. Anamika Gode, learned Advocates for the petitioners, Mr. S.G. Desai, learned Senior Advocate with Mr. A.V. Pavithran, learned Advocate for respondent No.2 and Ms. Ankita Kamat, learned Additional Government Advocate for respondent Nos.1 and 3 in both the petitions.

2. That on 24/03/2021, we made the following order in PILWP No.10 of 2021:

“Although we are of the view that the concern expressed in this PILWP ought to be raised before the National Green Tribunal(NGT) under the National Green Tribunal Act, 2010, at the first instance, we are left with no other option but to hear the Petitioners on the merits of their claims based on the pleadings in paragraph 22 of the petition read with page 41 thereof which shows that the Western Zone Bench of the Tribunal at Pune has not been functional.

2.The Petitioners have questioned the public hearing that was conducted on 7th March 2021 by the Collector, North Goa, as a step for finalizing the Coastal Zone Management Plan. Considering the averments in the petition as well as on consideration of the minutes of the hearing recorded by the authorities, we are of the considered prima facie opinion that the allegation of the hearing being a mere ritual,

levelled by the Petitioners, cannot be totally ruled out. In such view of the matter, we restrain the Respondents from proceeding further on the basis of the minutes of the impugned hearing dated 7th March 2021 for a period of three weeks or until further orders, whichever is earlier.

3. Let affidavit in reply be filed by the Respondents by 1st April 2021. Rejoinder thereto be filed by 5th April 2021. The petition shall be listed on 6th April 2021 for further consideration.”

3. Similarly in PILWP No.11 of 2021, we made following order:

“We have already passed an interim order in a connected matter minutes before. In view thereof, we do not wish to pass a separate interim order in this PILWP. We direct that this petition shall be heard along with PILWP No.10 of 2021. However, the Respondents shall file their reply affidavit by 1st April 2021. Rejoinder thereto be filed by 5th April 2021. The matter to appear on the board on 6th April 2021.

4. Today the learned Counsel for the parties agree and consent to dispose of both the petitions by making the following order:

- i. The petitioners in both these petitions will institute appropriate proceedings before the National Green Tribunal (NGT), Principal Bench at New Delhi within a period of maximum two weeks from today and serve the copies of the same upon the respondents.
- ii. Considering the chequered history of the matter, we request NGT to take up the petitioners' applications for interim relief, in the said proceedings as expeditiously as possible and

preferably within a period of Four weeks from the date of the institution of the proceedings.

iii. Until the applications for interim relief are disposed of by the NGT, the interim orders made by us in this petition will operate.

iv. We make it clear that we have not adjudicated on the merits of the rival contentions and all contentions of all the parties are therefore expressly kept open to be considered by NGT in the proceedings to be instituted by the petitioners.

5. The learned Counsel for the parties assure this Court that they will co-operate with the NGT in the matter of early disposal of the application for interim relief as also the main proceedings.

6. Accordingly, by making the aforesaid order, we dispose of both these petitions.

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

SMT.M.S. JAWALKAR,J.

M.S. SONAK,J.

mv

MEENA
VISHAL
BHOIR

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MEENA VISHAL BHOIR
Date: 2021.10.07
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