

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 4 OF 2020

WENCESLAU FRANCIS D'SOUZA

AND ANR.,

...PETITIONERS

Versus

THE STATE OF GOA, THR. CHIEF

SECRETARY AND 11 ORS.,

...RESPONDENTS

None for the Petitioners.

Mr. Manish D. Salkar, Government Advocate *for Respondent Nos. 1, 2, 4, 5, 6, 9, 10 and 11.*

Ms. Siddhiya Arlekar, Advocate holding for Mr. Nikhil Pai, Advocate *for Respondent No. 3.*

Mr. Yogesh V. Nadkarni with Ms. Divya Shirgam, Advocates *for Respondent No. 7.*

Mr. Neelesh A. Takkekar, Advocate *for Respondent No. 8.*

Mr. Valmiki Menezes, Advocate *for Respondent No. 12.*

**CORAM: MANISH PITALE &
M. S. JAWALKAR, JJ.**

DATED: 24th SEPTEMBER 2021

P.C:

1. This Petition was filed in public interest, seeking directions for demolition of certain alleged offending structures of respondents 7, 8 and 12, on the allegation that these structures violate the various requirements of law including the coastal zone Regulation. While issuing notice in this Petition, a direction was given to respondent no. 2-Goa Coastal Zone Management Authority (GCZMA) to carry out the site inspection to determine

as to whether there were any merits in the allegations levelled by the petitioners.

2. In pursuance of the said direction, a site inspection was carried out on 13.02.2020 by the GCZMA and a report dated 26.02.2020 was prepared. It is recorded in the said report that both the petitioners along with their Counsel were present at the site when the inspection was undertaken.

3. The findings and recommendations relevant for the present Petition read as follows:

FINDINGS AND RECOMMENDATIONS:

39. The two demolition orders of the Village Panchayat of Calangute dated 28.01.2010 and 12.10.2012 have been fully complied with by the R7 Nalini da Rosa Fernandes.

40. The structures within the NDZ of larger property under Sry. no. 242/1 of village Calangute owned by R7 and R8 indicated by the petitioner's during inspection prima facie appear to be legal and existing prior to February 1991 on basis of documents made available and other reference material accessed and cited by us.

41. The structure claimed to be owned by R12 Lalan Jacques is outside the NDZ. Besides, it appears to be built between 1994 and 1998 on land that was converted under LRC for commercial purposes prior to 1991.

4. As recorded in the order dated 17.09.2021, the petitioners have not been appearing in this Petition. In fact, in the said order, it was recorded that the present Petition would be taken up for final disposal today.

5. Even today, when the Petition is called for hearing, none has appeared on behalf of the petitioners.

6. The site inspection report submitted by the GCZMA does indicate that the structures in respect of which allegations were made in the present Petition, have been found to be in compliance with the requirements of law. There are no objections raised by the petitioners. Hence, we are of the opinion that the present Petition need not remain pending before this Court. By taking the findings and recommendations of the GCZMA on record as aforesaid, the present Petition is dismissed. Needless to say that the petitioners would be at liberty to take such steps as available in law in respect of the aforesaid report submitted by the GCZMA.

M. S. JAWALKAR, J.

MANISH PITALE, J.