

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 738 OF 2019.

TEODOLINDA DIAS
MANDOLY AND 3 ORS.,
VS
NELSON FELIX JACQUES
AND 5 ORS.,

....Petitioners.

.... Respondents.

Ms. K. Pednekar, Advocate for the petitioners.
Shri C. Fonseca, Advocate for the respondent no.1.

Coram: - DAMA SESHADRI NAIDU, J.

Date: -1st February, 2021.

PC.

This Writ Petition concerns felling of a coconut tree, under the The Goa, Daman and Diu Preservation of Trees Act, 1984. The primary authority held that the tree does not pose any danger to the neighbours; so it must stand. On appeal, the Appellate Authority reversed the decision and held that it must go. Aggrieved, the owner of the tree, who in fact sold a piece of his property to the first respondent, has filed this Writ Petition .

2. I have heard both the learned counsel for the respective parties.

3. As seen from the record, when the matter was pending before the primary authority, before the zonal agriculture officer could submit a report about the status of the tree; the petitioners being owner of the tree agreed to cut the tree on two conditions. Those conditions are these :-(i)

All other co-owners should be put on notice and (ii) the first respondent should bare the expenses for cutting of the tree.

4. Now on instructions, both the learned counsel want the Court to dispose of this Writ Petition by recording the parties consent. And the consent is that the first respondent will engage personnel and get the tree cut at his own cost.

5. With this arrangement, the Court disposes of the Writ Petition.

DAMA SESHADRI NAIDU, J.

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VINITA VIKAS NAIK Digitally signed by VINITA VIKAS
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