

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 408 OF 2021

TRUE AXIZ RESORT PVT. LTD., THR. ITS
DIRECTOR

.....Petitioner.

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS

...Respondents.

Mr. Shivan Desai, Advocate *for the Petitioner.*

Mr. D.J. Pangam, Advocate General with Mr. S. Priolkar,
Addl. Govt. Advocate *for respondents No.1, 2 & 3.*

CORAM : REVATI MOHITE DERE &
M.S. JAWALKAR, JJ.

DATED : 27th November 2021

P.C. :-

1. By this petition, the Petitioner has sought the following substantive relief:

“a) Issue a Writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing Respondent Nos. 1, 3 and 4 to take action in

pursuance of the complaints dated 24/11/2021 against Respondent Nos. 2 and 5 for carrying out excavation and construction at Morjim Beach.”

2. Learned Counsel for the Petitioner submits that the Respondents No.2 and 5 have started construction and excavation of sand in a designated sand dune, within 100 metres from the HTL, which is in direct violation of the Environment Protection Act and the CRZ Regulation.
3. Leaned Advocate General states that necessary permissions for the said construction have been granted by various authorities and that the construction is being carried out by the Water Resources Department. Copies of such permissions have also been handed over to the learned counsel for the Petitioner.
4. In view of the aforesaid, learned counsel for the Petitioner seeks leave to withdraw the petition, with liberty to file/initiate appropriate proceedings, on the basis of the said permissions.
5. The petition is, accordingly, disposed of as withdrawn, with liberty as prayed for. It is clarified that we have not gone into the merits of the petition and as such, all contentions of all parties, are kept open.

- 6.** Parties to act on authenticated copy of this order.

M.S. JAWALKAR, J.

REVATI MOHITE DERE, J.

SANTOSH S MHAMAL  Digitally signed by SANTOSH S MHAMAL
Date: 2021.11.27 15:38:51 +05'30'