

Meena

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.865 OF 2019**

JONCY BENECIO GOES

...petitioner

VS

STATE OF GOA, THR. CHIEF SECRETARY, ...Respondents
GOVT. OF GOA AND ANR.

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

**Mr. Vishwadh Sardessai, Additional Government
Advocate** *for the respondents.*

CORAM: MANISH PITALE, J

DATED: 30th November, 2021

P.C.

1. By this Writ Petition, the petitioner has challenged order dated 13/09/2021, passed by the Goa Coastal Zone Management Authority (GCZMA) i.e. respondent No.2 herein.
2. Although an alternative remedy of approaching the National Green Tribunal is available to the petitioner, the present Writ Petition was entertained for the reason that according to the petitioner no hearing was granted before the impugned order was passed. It was submitted that since the impugned order directing demolition of the structure of the petitioner was adverse to his interest, hearing ought to have been granted. This Court issued

notice on 27/09/2019 and directed that the order of demolition shall not be given effect.

3. It was pointed out by the learned Counsel for the petitioner that in the present case similar / identical orders were passed by the respondent no.2-Authority, without hearing the concerned parties and a drastic direction of demolition was issued. In earlier round when such orders were issued, the same were challenged before this Court and the Writ Petitions stood allowed by order dated 28/6/2019, passed in Writ Petition No. 448 of 2019 and connected Writ Petitions, whereby the respondent no.2 Authority was directed to hear the concerned parties and then to pass appropriate orders in the matter. Yet, it appears that the respondent no.2 - authority proceeded to pass the impugned order, without giving proper hearing to the petitioner.

4. Additionally, it is pointed out that some of the parties did approach the National Green Tribunal by filing appeals and such appeals were allowed by order dated 17/09/2019, whereby direction was given to the respondent no.2-Authority to consider the grievance of the appellants, granting liberty to the appellants to file additional representations.

5. The learned Counsel appearing for the respondents could not demonstrate as to whether effective hearing was indeed granted to the petitioner before passing the impugned order.

6. Therefore, on the short ground of violation of principles of natural justice, the impugned order is liable to be quashed and set aside.

7. Accordingly, the Writ Petition is allowed. The impugned order is quashed and set aside. The respondent no.2 is directed to grant appropriate opportunity of hearing to the petitioner before passing any order in the matter. Liberty is reserved to the petitioner to file an additional detailed representation in respect of his grievances before the respondent No.2 – Authority within a period of four weeks from today.

8. The respondent No.2 – Authority shall proceed with the matter as directed hereinabove and dispose of the representation as expeditiously as possible.

MANISH PITALE, J.