

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
SUO MOTU WRIT PETITION NO.1 OF 2021

.....

... Petitioner

Versus

STATE OF GOA, THR. CHIEF
SECRETARY AND ORS.

...Respondents

Ms. Anamika Gode holding for Ms. Norma Alvares, Amicus Curiae.
Mr. D. Pangam, Advocate General with Mr. S. Priolkar, Additional
Government Advocate for the State.
Mr. P. Vernekar, Advocate for the respondent No.5-Village Panchayat
of Calangute.

CORAM: REVATI MOHITE DERE &
M. S. JAWALKAR, JJ
DATE : 16th December 2021

P.C.

1. Pursuant to our attention drawn to an article “Calangute villagers upset over clearing of beachside vegetation” published in “Times of India” Goa Edition, dated 8th December 2021 in relation to a large-scale clearing of beach-side vegetation in a private property at Khobrawaddo, Calangute, we took cognizance of the said article and issued notice to the State of Goa through its Chief Secretary, Forest Department, Government of Goa, Goa Coastal Zone Management Authority, Deputy Collector, North, Mapusa and Village Panchayat of Calangute through its Secretary.

2. Pursuant to the said notice, the respondent No.5 i.e. Secretary of the Village Panchayat of Calangute has tendered an affidavit. The same is taken on record. In the said affidavit, the respondent No.5 has stated that on 08.12.2021, they received complaints from Calangute Constituency Forum as well as from the local villagers against M/s Ashwin Holdings Pvt. Ltd., regarding cutting of beach vegetation and destruction of biodiversity and environment in the property bearing Survey No.208/1-C at Khobrawaddo, Calangute Goa (hereinafter referred to as the said property). It is further stated that the respondent No.5 on the basis of the said complaints has taken cognizance of the same and had issued site inspection notice on the very same date i.e. 08.12.2021, to the alleged violator, complainants and other competent authorities for fixing site inspection of the said property on 10.12.2021. By notice dated 08.12.2021, the concerned owner/alleged violator was also directed to stop any further cutting of vegetation or plants within the CRZ area in the said property and the Police Inspector, Calangute Police Station was requested to enforce the directions issued in the notice and to ensure that no violation thereof was carried out. In para 5 of the affidavit, the respondent No.5 has further stated that during the site inspection, valuable beach vegetation such as lingod, gulvel, rui etc., was seen to have been cut and also destruction of sand-dunes was observed. It was

further observed that no construction was seen to have been undertaken by the owner in the said property. Accordingly, the file was placed before the Panchayat Body at its meeting held on 15.12.2021 for necessary decision/action. It is further stated that during the Panchayat Body meeting, it was noted that the destruction of beach vegetation was a serious matter from the CRZ point of view and since no construction activities were presently being undertaken by the concerned party, the Panchayat was of the view that there was no need to play immediate role in the matter. However, taking serious cognizance of the destruction of beach vegetation, the Panchayat Body unanimously resolved to inform the competent authorities i.e. the GCZMA, Goa Bio-diversity Board and Forest Department to initiate appropriate action in the said matter. The extract of the village panchayat resolution dated 15.12.2021 has been annexed to the said affidavit.

3. As far as the GCZMA is concerned i.e. the respondent No.3, the learned Advocate General has tendered a show cause notice cum stop work order issued by the said authority i.e. GCZMA under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986 and documents of the site inspection. The documents are taken on record. It appears that the said show cause notice cum

stop work order was issued by the GCZMA to the alleged violator i.e. M/s Ashwin Holdings Pvt. Ltd. The said show cause notice has been issued upon receipt of complaints with respect to illegal cutting of the beach vegetation and for destruction of bio-diversity and environment on the beach and illegally fencing the property, within the CRZ area. The said show cause notice is dated 10.12.2021. The report of the site inspection shows that the beach vegetation was destroyed in the area of approximately 4590 square metres and the area in which the beach vegetation is present is about 3060 square metres. It is further stated in the site inspection report that in the middle of the plot, sand extraction has taken place at about 8 metres in diameter and one metre in depth and pine trees are present on the area in which beach vegetation is destroyed.

4. Considering that the village panchayat of Calangute as well as the GCZMA have taken cognizance of the said illegal cutting of the beach vegetation and destruction of the bio-diversity and environment on the beach, it is not necessary to keep the petition pending, as the purpose for taking cognizance, having being achieved. We expect, both the authorities to take their actions to its logical end.

5. The petition is disposed of accordingly.

M. S. JAWALKAR, J

REVATI MOHITE DERE, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
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