

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.294 OF 2022
WITH
MISC. CIVIL APPLICATION NO. 2589 OF 2022 (F)
IN
WRIT PETITION NO.294 OF 2022

SUDIPTO CHOUDHARY THR. POA KIRAN ...Petitioner
SHANKAR POOJARY

Versus

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

Mr. Tapan Sen, Senior Advocate along with Mr. Nilanjan Sen,
Mr. Sumeir Ahuja and Mr. Nihal Kamat, Advocates for the
Petitioner.

Mr. Devidas Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for respondents No.1 and 2.

Mr. G. Malik, Advocate for respondent No.3.

CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.

DATED: 5th December, 2022.

P.C.:

Heard Mr. Tapan Sen, learned Senior Counsel who appears along
with Mr. Nilanjan Sen, Mr. Sumeir Ahuja and Mr. Nihal Kamat, learned
Counsel for the petitioner, Mr. Devidas Pangam, learned Advocate
General with Ms. Maria Correia, learned Additional Government
Advocate for respondents No.1 and 2 and Mr. G. Malik, learned
Advocate for respondent No.3.

2. The petitioner seeks a writ of mandamus to direct the Goa Coastal Zone Management Authority (GCZMA) to issue a formal permissions in response to his application dated 15/09/2020.

3. Mr. Sen, learned Senior Counsel for the petitioner states that the GCZMA in its 257th meeting has already approved the project and all that remains to be done is the issuance of a formal permission.

4. Learned Advocate General however points out that certain issues need to be sorted out, including verification of the structures at the site.

5. Without going into the contentious issues, we think that the GCZMA is duty bound to dispose of applications seeking approvals within a reasonable time and by following the law.

6. The learned Advocate General states that presently, there is no GCZMA constituted. In another matter, we have already issued directions to the Central Government to constitute the GCZMA at the earliest. We are hopeful that these directions will be complied with at the earliest.

7. Therefore, we direct the GCZMA to consider and dispose of the petitioner's application dated 15/09/2020 and the petitioner's request for the issue of permission as expeditiously as possible and in any case by 15/02/2023. The GCZMA should hear the petitioner as well as respondent No.3 and consider their respective contentions/objections before any final decision is taken on the petitioner's application. All contentions of all the parties are explicitly kept open for consideration by

GCZMA.

8. Accordingly, this petition is disposed of by issuing the above directions. All concerned to act on the basis of an authenticated copy of this order.

9. Mr. Sen seeks leave to file a fresh petition, in case any adverse order is made by the GCZMA. Needless to add that such liberty is always available subject no doubt to the objections about the availability of an alternate remedy.

10. Misc. Application in this petitioner does not survive and the same is also disposed of.

BHARAT P. DESHPANDE, J

M. S. SONAK, J

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BHOIR

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