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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.348 OF 2022

TARCHEN KHAZAN, REP. BY ITS
SECRETARY MR. SUVARNSANGEET S.
VERNEKAR

...PETITIONER

Versus

THE MEMBER SECRETARY, GOA
COASTAL ZONE MANAGEMENT
AUTH., PANAJI & ORS.

...RESPONDENTS

**Mr. A.D. Bhobe with Ms. A. Kuvelkar, *Advocate for the
Petitioner.***

**Mr. P. Arolkar, Additional Government Advocate *for
Respondent Nos.1, 3 to 5.***

Mr. Jeevan Bandekar, Advocate *for Respondent No.2.*

Mr. Dinesh Naik, Advocate *for Respondent No.9.*

**CORAM: DIPANKAR DATTA, CJ. &
M. S. SONAK, J.**

DATED: 4th AUGUST 2022

P.C. :

1. Heard learned Counsel for the parties.
2. The petitioner, a Tenants Association under the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1967 complains that respondent

nos.1 to 5 have failed to take action against certain illegal constructions put up by respondent nos.6 to 10 in the property surveyed under no.169/3 of Siolim, Bardez, Goa, despite several complaints from the petitioner. On 01.08.2022, Mr. Arolkar, learned Additional Government Advocate submitted that appropriate action has been initiated based on the complaints of the petitioner. Accordingly, we directed the concerned respondents to file an affidavit indicating the steps taken.

3. Shri Gurudas S.T. Desai, Deputy Collector and Sub-Divisional Officer, Mapusa, has filed an affidavit stating that in pursuance of the petitioner's complaint dated 17.09.2021, he issued a memorandum dated 21.09.2021 to the Mamlatdar of Bardez to inspect the site in question and to file a checklist if any construction was undertaken without conversion sanad.

4. The affidavit states that on receipt of report from the Mamlatdar, the Deputy Collector issued a stop work order dated 04.10.2021 and also a show cause to respondent nos.6 to 10 as to why action should not be initiated for illegal conversion of an agricultural land for non non-agricultural purposes. Affidavit states that respondent nos.6 to 10 have already filed their replies and the matter is now posted for hearing in case no.CNV/BAR/ILLE/41/2021.

5. Having regard to the above development, we direct disposal of case no. CNV/BAR/ILLE/41/2021 as expeditiously as possible and preferably within four months from today.

6. The petitioner has alleged that in the meanwhile respondent nos.6 to 10 have completed the construction and are now using the same for commercial purposes. Mr. Dinesh Naik, learned Counsel representing said respondents submits that the structures are not used for any commercial purposes. He, however, submitted that for a few days the structures are used for sale of Ganesh idols due to the oncoming Ganesh Chaturthy festivals. He, however, maintained that except for the above purpose, no other commercial activities are undertaken through the structures in question.

7. We accept the statement as made. Until the case no. CNV/BAR/ILLE/41/2021 is disposed of structures in question must not be used for any commercial purposes. Mr. Bhobe, does not object for use of the structures for sale of Ganesh idols until Ganesh Chaturthy.

8. Petitioner has made complaints to respondent nos.1,2 & 5 and said respondents must also look into the petitioner's complaints and dispose of the same on their own merits and in

accord with law as expeditiously as possible and preferably within four months from today. If any adverse action is proposed the Authorities must comply with the principles of natural justice and fair play.

9. Accordingly, we dispose of this petition by issuing the above directions. Civil Application also does not survive in view of the disposal of the Writ Petition. There shall be no order for costs.

M. S. SONAK, J.

CHIEF JUSTICE

NITI K
HALDANKAR

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