

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.121 OF 2019

THOMAS FERNANDES AND ANR. ... Petitioners

Versus

THE GOA STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
THR. ITS MEMBER SECRETARY
AND 2 ORS. ... Respondents

Mr. Jitendra Supekar, Advocate for the Petitioners.
Mr. S. Priolkar, Additional Government Advocate for Respondent
Nos. 1 and 2.

**WITH
WRIT PETITION NO.93 OF 2019**

SERGIO DIAS. ...Petitioner

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS. ...Respondents

Mr. Shivan Desai, Advocate for the Petitioner.
Mr. Deep Shirodkar, Additional Government Advocate for
Respondent Nos. 1 & 2.
Mr. Jitendra Supekar, Advocate for Respondent No.3.

CORAM: M. S. SONAK, J.

DATED : 3rd FEBRUARY 2023

P.C.:

1. Heard the learned counsel for the parties.
2. In both these petitions, the challenge is to the order made by the Goa Coastal Zone Management Authority ordering the demolition of the Petitioners' structures.
3. The learned counsel point out that at the stage when these petitions were filed, the National Green Tribunal (NGT) (Western Zone) at Pune was not functioning and therefore, the Petitioners had no option but to institute the present petitions.
4. Presently there is no dispute that the NGT (Western Zone) is fully functional. Therefore, there is no good ground to admit these petitions instead it would be appropriate to relegate the Petitioners to avail of the alternate remedy under the National Green Tribunal's Act.
5. The learned counsel for the Petitioners state that they will file appropriate proceedings before the NGT within three weeks from today. If such proceedings are filed within three weeks, I am sure the Tribunal will consider that the Petitioners were bonafide in pursuing these matters before this Court.
6. The learned counsel for the Petitioners point out that an interim order/statement was operating in their favour in these petitions. Now that the Petitioners are going to file proceedings before the NGT, these interim orders made in these petitions are extended by six weeks by clarifying that even the Petitioners should maintain the status quo at the site and will not carry out any further construction.

7. Accordingly, these petitions are disposed of by granting the Petitioners liberty to avail of alternate remedy.

M. S. SONAK, J.

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