

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**WRIT PETITION NO. 379 OF 2014**

M/s. DLF Homes Goa Pvt. Ltd., A private Limited Company) incorporated under the Companies) Act, 1956 (Act 1 of 1956), having its Registered office at F-2, Landscape Excelsior, First Floor, Opposite Kala Academy, D. B. Road, Campal, Panaji, Goa, represented ... Petitioner  
bby Ravi Rajan, Authorised Signatory of major age, Indian National, resident of Goa.

*V e r s u s*

1. State of Goa, Through its Chief Secretary, Having office at Secretariat, Porvorim, Bardeza-Goa.
2. South Goa Forest Division, Through its Secretary Deputy Conservator, Forest South Goa Division, Margao.
3. Goa Foundation, a Society, Registered under the Societies Registration Act, 1960, through its Secretary Dr. Claude Alvares and having its registered office at Room no. 7, above Mapusa Clinic, Mapusa, Goa. ... Respondents.

**Mr. Parag Rao, Advocate** with Mr. Akhil Parrikar, Ms. S. Drago and Mr. Ajay Menon, Advocates for the Petitioner.

**Mr. Shubham Priolkar, Additional Government Advocate** for the Respondent nos. 1 and 2.

**Ms. Norma Alvares, Advocate** with Mr. Om D' Costa, Advocate for the Respondent no.3.

**CORAM: PRAKASH D. NAIK &  
B. P. DESHPANDE, JJ.**

**DATE: 8<sup>th</sup> September, 2023**

## **ORDER**

1. By the instant Petition, the Petitioner had impugned the report of The Goa Forest Division Committee (South) dated 7<sup>th</sup> May 2014 whereunder Petitioner's property bearing Survey No. 43/1-A of Village-Dabolim Goa was declared to be a private forest.

2. During the pendency of the present Petition, a Review Committee was constituted by the Government of Goa vide Notification dated 21.1.2020 published in official Gazette Government of Goa Series II Number 44 on 30<sup>th</sup> January 2020. The Committee was constituted to review the private forest areas provisionally identified by the Goa Forest Division Committees.

3. The Petitioner had made representations to the Review Committee on 25<sup>th</sup> March 2021 and 2nd April 2021. This court at the request of the Petitioner vide its Order dated 25<sup>th</sup> March 2021 had observed that the Review Committee may consider and decide the Petitioner's representation as it deems fit and proper and without reference to the pending Writ Petition.

4. The Petitioner had filed an Additional Affidavit dated 23<sup>rd</sup> August 2023 inter-alia stating that the Review Committee in its Second

Part Final Report dated 1<sup>st</sup> July 2021 has held that the entire Survey No. 43 does not qualify the criteria of Private Forest. That the Deputy Conservator of Forest, Government of Goa vide clarification order dated 31<sup>st</sup> July 2023 has clarified that the reports uploaded by the Review Committee on the Forest Department website as "interim report" shall be read as "Part Final Report". That the Government of Goa vide Notification dated 10<sup>th</sup> August 2023 has notified the private forests in the State of Goa, as reviewed and finalized by the Review Committee in its six Part Final Reports. The Petitioner's property bearing Survey No. 43/1-A of Village Dabolim is not listed as a private forest in the said notification.

5. The Respondent No. 3 has filed an affidavit dated 8<sup>th</sup> September 2023 and has submitted inter alia as follows:

i. That the Review Committee was not permitted to review the finally identified private forest areas of the Thomas and Araujo committees (North and South Goa Forest Division Committees). Hence, as Sy. No. 43/1 of village Dabolim was listed as finally identified forest by the Araujo Committee in its December 2018 final report, review of the said sy no. fell outside the TORs and mandate of the Review Committee.

ii. That the Interim / 'Part Final' Reports of the Review Committee have been challenged by the Resp. No. 3 before the Hon'ble N.G.T. in M.A No 3/2023 in O.A No 478/2018 (WZ) inter alia on the grounds that the Review Committee has also reviewed the finally identified Sy. Nos. of the North and South Goa Forest Division Committees, contrary to its TORs. The matter has been heard at length, and judgment of the N.G.T. on this very aspect has been reserved as per the Tribunals order dated 10.08.2023.

iii. That the disposal of the instant petition being linked to the reports of the Review Committee was explicitly disallowed by this Hon'ble Court by its Order dated 25<sup>th</sup> March 2021, which makes it explicitly clear that the Review Committee's decision would be without reference to this W.P.

iv. The challenge to development on the petitioner's plot on the grounds that it is forest and covered under the Forest Conservation Act, 1980, is also pending before the Hon'ble NGT in O.A No. 26 (THC) / 2013 [WZ].

6. The Advocate for the Respondent Nos. 1 and 2 state that the Government of Goa has issued Gazette Notification dated 10.08.2023

inter alia giving the list of private forests in the State of Goa. He further states that the Petitioner's property is not mentioned therein.

7. The Petitioner states that the grievance of the Petitioner in the present Petition, in the light of the subsequent events placed on record by way of affidavit dated 23.08.2023 of Mr. Rajeev Singh on behalf of the Petitioner, stands satisfied.

8. This order has been passed in terms of Minutes of Order signed by the Advocate for Petitioner and Respondent nos. 1, 2 and 3.

9. Accordingly, the Petition is disposed of with no order as to costs.

**BHARAT P. DESHPANDE, J.**

**PRAKASH D. NAIK, J.**

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