

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.613 OF 2022

MANUEL FERNANDES

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH

WRIT PETITION NO.614 OF 2022

SIDHARTH RAMA SAWANT

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH

STAMP NUMBER MAIN NO.1747 OF 2020(F)

GABRIEL D. FERNANDES

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH

STAMP NUMBER MAIN NO.1749 OF 2020(F)

ANNIE ANY ANNA

FERNADNES

....PETITIONER

Versus

THE STATE OF GOA, THR.
CHIEF SECRETARY AND 3
ORS.

....RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1751 OF 2020(F)**

SANDEEP SATOSKAR

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1752 OF 2020(F)**

KETAKI DHARMA MORJE

....PETITIONER

Versus

THE STATE OF GOA, THR.
CHIEF SECRETARY AND 3
ORS.

....RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1824 OF 2020(F)**

ANTHONY P. BRITTO

....PETITIONER

Versus

STATE OF GOA, THR. THE

CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH
STAMP NUMBER MAIN NO.1836 OF 2020(F)

ARUN PANDURANG
SHETGAONKAR

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH
STAMP NUMBER MAIN NO.1759 OF 2020(F)

MALCOLM D'SOUZA.

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

WITH
STAMP NUMBER MAIN NO.1760 OF 2020(F)

VINCENT RODRIGUES.

....PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.

....RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1764 OF 2020(F)**

NIVRATHY MORJE @
NIVRUTHI N. MORJE.,PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1765 OF 2020(F)**

DEEPAK VINAYAK GOVEKAR.PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.RESPONDENTS

**WITH
STAMP NUMBER MAIN NO.1763 OF 2020(F)**

VIJAY MOHAN BANDEKAR.PETITIONER

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 3 ORS.RESPONDENTS

Mr J.A. Lobo, Advocate for the Petitioners.
Ms Sulekha Kamat, Additional Government Advocate for the
Respondents in WP No.613/2022, STM No.1765/2020(F).
Mr Geetesh Shetye, Additional Government Advocate for the

Respondents in WP No.614/2022, STM No.1759/2020 (F) & STM No. 1752/2020 (F).

Mr P. Arolkar, Additional Government Advocate for the Respondents in STM No.1747/2020(F), STM No.1763/2020 (F) & STM No.1824/2020 (F).

Mr Manish Salkar, Government Advocate for the Respondents in STM No.1749/2020(F) & STM No.1760/2020.

Mr V. Sardesai, Additional Government Advocate for the Respondents in STM No.1751/2020(F), & STM No.1764/2020(F),

Mr Tukaram Gawas, Additional Government Advocate for the Respondents in STM No.1836/2020(F).

CORAM: M. S. SONAK, J.

DATE : 18th AUGUST 2023

P.C. :

1. Heard Mr J. A. Lobo, learned counsel for the Petitioner in all these petitions, and Mr Manish Salkar, learned Government Advocate, Mr V. Sardesai, Mr Geetesh Shetye, Ms Sulekha Kamat, Mr Prashil Arolkar, and Mr Tukaram Gawas, learned Additional Government Advocates for the Respondents.

2. The Petitioners' grievance in all these petitions is that they are called upon to pay penalties by the GCZMA, but the orders imposing penalties have not been served upon them.

3. These petitions were adjourned from time to time because the learned Additional Government Advocates pointed out that whilst the

minutes and the orders were available with the GCZMA being proofs of service of such orders upon the Petitioners were not traceable.

4. The learned Additional Government Advocates have now placed before the Court the extract of the minutes of the 353rd meeting of the GCZMA held on 09.08.2023. In these minutes, the following decision is recorded: -

“DECISION: The matters were taken up and it was noted that in the 14 cases, the above named Respondents had been served with a copy of the respective Orders; thereby communicating the respective orders to the parties. However, the receipt of the order of being communicated is not traceable in the office records and hence the Authority decides to hold the same decisions taken in the respective meetings i.e. the 203rd, 207th, 209th, 218th and 219th GCZMA Meetings respectively and only re-communicate the order afresh.”

5. The learned Additional Government Advocates, based upon instructions of Dr Sneha Gilte, Member Secretary of the GCZMA now state that the orders imposing penalties will be positively communicated to the Petitioners latest by 22.08.2023. this exercise, they say, would be without prejudice since proof of service is presently untraceable. The learned Additional Government Advocates state that these orders will be communicated to Advocate Lobo, learned counsel for the Petitioners.

6. Advocate Lobo, learned counsel for the Petitioners based on instructions from the Petitioners, states that he will accept these orders

on behalf of all the Petitioners. Thus, once these orders are served upon Mr Lobo on 22.08.2023, the same shall be regarded as good service upon all the Petitioners.

7. The Petitioners have alternate and efficacious remedies available before the National Green Tribunal (NGT) against the orders made by the GCZMA. Since the orders are to be served on the Petitioners/their Advocates on 22.08.2023, the limitation for instituting appeals before the NGT will start from 22.08.2023.

8. Since the Petitioners have alternate and efficacious remedies available to them against the orders of GCZMA, there is no case made out to entertain these petitions. Instead, all the Petitioners, if they choose, are relegated to avail the alternate remedy before the NGT.

9. If the Petitioners prefer appeals before the NGT, then the NGT to decide the same on merits and in accordance with the law. All contentions of all parties are explicitly kept open for decision by the NGT.

10. With the above liberties and clarifications, all these petitions are disposed of.

11. There shall be no order for costs.

12. All concerned are to act based on the authenticated copy of this order.

M. S. SONAK, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
Date: 2023.08.19 15:33:16 +05'30'