

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.438 OF 2023

LINNET NUNES

... PETITIONER

Versus

STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR

... RESPONDENTS

Mr Jonathan George, Advocate for the Petitioner.

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

DATED :- 9th October, 2023

P.C.:

Mr J. George, learned counsel for the Petitioner fairly points out that presently the order made by the Hon'ble Supreme Court dated 20.01.2023 in Civil Appeal No.6642/2022 is in operation. In terms of the above order, the Petitioner's appeal pending before the National Green Tribunal (NGT) has been restored and direction has been issued to the NGT to pass fresh orders in accordance with law. Pending consideration of the appeal by the NGT, the Petitioner is protected by the interim order dated 09.09.2022 granted by the Hon'ble Supreme Court.

2. Mr George points out that in terms of the interim order made by the Hon'ble Supreme Court, the Petitioner has been restrained from undertaking any commercial activities from the suit premises.

3. The issue pending before the NGT concerns the demolition order issued by the Goa Coastal Zone Management Authority (GCZMA).

4. The challenge in this petition is to the order of the District Magistrate directing the Petitioner to close the premises until valid licenses are produced. Now that the commercial activities are ordered to be closed down, there is no point in keeping this petition pending.

5. If the Petitioner's appeal before the NGT is allowed then we grant the Petitioner liberty to file a fresh petition to challenge inter alia the impugned notice dated 03.09.2022.

6. Accordingly, this petition is disposed of with liberty to the Petitioner to challenge the impugned notice by raising all permissible grounds including the grounds now raised in this petition depending upon the outcome of the Petitioner's appeal before the NGT.

7. This petition is disposed of with liberty in the above terms.

8. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.