

Jose

**IN THE HIGH COURT OF BOMBAY AT GOA**

**MISC. CIVIL APPLICATION NO.2833 OF 2023 (F)  
IN  
WRIT PETITION NO.1118 OF 2019**

**CHRISTOPHER DIAS**

... Petitioner

*Versus*

**THE STATE OF GOA, THR. ITS  
CHIEF SECRETARY AND 4 ORS.**

... Respondents

Mr Vishal Sawant, Advocate *for the Petitioner.*

Mr D. Pangam, Advocate General with Ms Maria Correia, Additional  
Government Advocate *for the Respondent-State.*

**CORAM: M.S. SONAK &  
VALMIKI SA MENEZES, JJ.**

**DATED: 12<sup>th</sup> December 2023**

**P.C.:**

1. Heard Mr Vishal Sawant for the Petitioner. Learned Advocate General appears for Respondent Nos.1, 2 and 5 along with Ms Maria Correia, Additional Government Advocate.
2. This petition was instituted to seek the following substantive reliefs:-

*“A. For a Writ of Mandamus or any other appropriate writ, order or direction thereby directing the Respondent no.2 to grant NOC to the Petitioner to set up the Deck beds and Respondent no. 4 to grant the NOC to the Petitioner to set up a temporary shack in his*

*property bearing survey no. 245/6 of village Calangute, Bardez, Goa as per the permission dated 15/10/2018 of the GCZMA.*

*B. For a writ of Mandamus or any other appropriate writ, order or direction thereby directing the Respondent no. 2 to consider and act upon the representations made by the petitioner to shift the temporary shack allotted to the Respondent no.3 to a suitable manner so as to not to affect the Petitioner's property.*

*C. For a Writ of Mandamus or any other writ or direction there by directing the Respondent No. 2 to amend the Tourism policy for erection of temporary seasonal structures beach shacks, huts for the year 2019-20 and insert suitable clauses therein to protect the interests of private land owners who may be affected by the demarcation of shacks on the beach due to blockage of their access and other easementary rights.*

*C.c) For an appropriate Writ, Order or direction thereby quashing the decision of the Respondent no. 2 to deny the Petitioners application to put up deck beds on the Calangute Beach.*

*D. For an interim relief in terms of prayer clause A.*

*E. Any other relief this Hon'ble Court deems fit and proper."*

3. The reliefs have now been rendered infructuous because the same were in the context of the relevant year which has already passed. The relief to seek amendment of the 2019-2020 Tourism Policy has already become infructuous because now there is a new Tourism Policy 2023-2026. The permissions for putting up shacks or deck beds are for a temporary period and for the relevant year for which such permissions are sought. Accordingly, the reliefs in this petition have been rendered infructuous.

4. We, therefore, dispose of this petition. At Mr Sawant's request, we grant the Petitioner liberty to file fresh petition to challenge the Tourism Policy 2023-2026 to the extent the same affects the Petitioner.

5. Since the main petition is disposed of, the Miscellaneous Civil Application No.2833/2023 (F) does not survive and the same is also disposed of.

6. Since we have disposed of the petition mainly on the ground that the reliefs prayed for in the petition have been rendered infructuous, we clarify that we have not adjudicated upon any of the issues raised by the Petitioner in the present petition. Accordingly, all contentions of all parties are left open.

**VALMIKI SA MENEZES, J.**

**M.S. SONAK, J.**

JOSE  
FRANCISCO  
DSOUZA

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