

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.22 OF 2019
IN
P.I.L. WRIT PETITION NO.37 OF 2018**

THE GOA FOUNDATION,
THR. ITS SECRETARY, DR.
CLAUDE ALVARES

... Applicants

Versus

NORTH GOA PLANNING AND
DEVELOPMENT AUTHORITY, THR.
ITS MEMBER SECRETARY AND 4 ORS.

... Respondents

Mr Om D'Costa, Advocate *for the Applicants.*

Mr H.D. Naik, Advocate *for Respondent No.1.*

Mr Prayash Shirodkar, Advocate *for Respondent No.2.*

Mr Deep Shirodkar, Additional Government Advocate *for the Respondent-State.*

Mr Coelho Pereira, Senior Advocate with Mr A. Shirodkar, Advocate *for Respondent No.4.*

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

DATED: 29th April 2024

P.C.:

1. Heard Mr Om D'Costa for the Applicant and Mr Shirodkar, learned Additional Government Advocate for the State.
2. Relief in terms of prayer clause (i) was already granted by order dated 14.01.2019.

3. In the above order, we had stated that relief in terms of prayer clause (ii) would be considered later.

4. It now transpires that on 13.06.2019, this Court made the following order:-

“One of the issues involved in the petition concerns whether the land owned by respondent no.5 is a forest land. It appears the Forest Department has carried out a spot inspection of the plot with a view to ascertain whether it is a forest land.

2. The respondent State to place on record a report of inspection in this behalf within a period of one week from today.

3. Stand over to 28/06/2019.”

5. Mr D’Costa points out that if the State has placed any report on record, a copy of the same has not been furnished to the Applicant. Mr Shirodkar states that the report is already filed on record and is at page 262 of the paper book. He points out that this report is by way of an affidavit filed by Mr Kuldeep Sharma, the Deputy Conservator of Forests.

6. Now that this report/affidavit is on record, we grant the Applicants liberty to file objections, if they so desire to such report. Liberty is also granted to file fresh application seeking relief analogous to that sought in prayer clause 2 of this Misc. Civil Application.

7. With the above liberties and by keeping open all contentions of all parties, Misc. Civil Application No.22/2019 is disposed of.

VALMIKI MENEZES, J.

M.S. SONAK, J.