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IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.268 OF 2024
IN
PUBLIC INTEREST LITIGATION (SUO MOTU)
NO.2 OF 2022**

PISCO HOSPITALITY THR. ITS
PARTNERS ROHAN DSOUZA

... Applicant

Versus

STATE OF GOA THR.
CHIEF SECRETARY AND 3 ORS.

... Respondents

Mr A. Gosavi, Amicus Curiae with Mr G. Kerkar, Advocate in
PILSM No.2/2022.

Mr P. Vernekar, Ms B. Fatarpekar and Ms Nikiti Nadkarni,
Advocates for the Applicant.

Mr Devidas Pangam, Advocate General with Mr Deep
Shirodkar, Additional Government Advocate for the
Respondent-State.

Mr A.D. Bhobe, Advocate for Respondent No.2.

Mr D. Lawande with Mr C. Angle, Advocates for Laxmidas
Chimulkar, Sarpanch of V.P. Anjuna-Caisua in Original PILSM
No.2/2022

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

DATED: 26th June, 2024

P.C.:

1. Heard learned Counsel for the Applicant.
2. This is an application for modification of order dated 13.02.2024

passed by this Court qua the Applicant and for directions for de-sealing of the premises bearing House No.744/6 situated in properties bearing Survey Nos.70/2 and 70/4 of Village Anjuna, Taluka Bardez, State of Goa wherein the Applicant is running restaurant in the name and style of 'PISCO BY THE BEACH'

3. Shri Vernekar submitted that the structure was existing prior to issuance of CRZ notification and was repaired pursuant to repair permission dated 08.05.1994. In such circumstances, it is the contention of the Applicant as well as the Village Panchayat that there is no question of there being any violation of CRZ regulations. Insofar as the technical clearance and repair permission granted by the Village Panchayat, there is a technical clearance of the TCP on record; NOC for repairs dated 10.08.1989 from the Village Panchayat Anjuna-Caisua, and the construction licence dated 08.11.1994 from the Village Panchayat Anjuna-Caisua. The validity of the trade licence has expired during the pendency of this PIL. The Petitioner has applied for issuance/renewal of the trade licence which is pending before the Panchayat. The application to be considered and decided expeditiously.

4. We also find that the Petitioner had consent to operate and also there is a CRZ permission on record which finds reference in the approval dated 08.05.1994 issued by the Chief Town Planner in terms of the decision of G.S.C.C.E. There is NOC from the Fire and Emergency Services as well as NOC from Health Department on record which is valid.

5. In such view of the matter, for the reasons in the application, we allow this application in terms of prayer clause (a). The subject premises

of this application be de-sealed and the Applicant is allowed to operate subject to obtaining of renewal of trade licence or any other operational licences that may be required.

6. Application is disposed of.

VALMIKI MENEZES, J.

M.S. KARNIK, J.