



1 S.

IN THE HIGH COURT OF BOMBAY AT GOA

**MISCELLANEOUS CIVIL APPLICATION NO.2282 OF 2024(FILING)
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO.13 OF 2024**

Calangute Constituency Forum thr. Its ...Applicant
President Premanand Diukar

Versus

The State of Goa, thr. The Chief ...Respondents
Secretary and 14 Ors.

**Mr Rohit Bras De Sa, Advocate with Mr Joel Pinto, Advocate for
the Applicant.**

**Mr Deep Shirodkar, Additional Government Advocate for
respondent Nos.1 to 8 and 11.**

**Mr Surendra G. Desai, Senior Advocate with Ms Misbah Shaikh,
Advocate for respondent No.15.**

Mr. H.D. Naik, Advocate for the Respondent No. 9.

Mr Pankaj Pai Vernekar, Advocate for respondent No.10.

Mr Manish Salkar, Government Advocate for respondent No.12.

Ms. Neha Kholkar, Advocate for the Respondent No. 13.

Mr Shivan Desai, Advocate for respondent No.14.

**WITH
MISCELLANEOUS CIVIL APPLICATION NO.443 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO.13 OF
2024**

M/s. Ekana Hospitality (Candolim) ... Applicant.
Private Limited

Versus

...Respondents

Calangute Constituency Forum thr. Its
President Premanand Diukar.

Mr Surendra G. Desai, Senior Advocate *with* Ms Misbah Shaikh,
Advocate *for the Applicant.*

Mr Rohit Bras De Sa, Advocate *with* Mr Joel Pinto, Advocate *for*
the Respondent.

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

DATE: 16th October, 2024

P.C.

Heard.

2. So far as respondent no.13 is concerned a report of the GCZMA is filed. The report states that no structure is present on ground and demolition of the alleged structures has been carried out by the respondent. The said report is dated 14.08.2024 which is taken on record and marked as 'X' for identification. Learned Counsel for the petitioner submitted that it is satisfied with the said report submitted by the GCZMA insofar as the demolition of the structure of respondent no.13 is concerned.

3. Mr Deep Shirodkar, learned Additional Government Advocate submits that the environmental damage will be assessed and the damages will be recovered by GCZMA and Goa Biodiversity Board within three weeks by taking appropriate measures to recover the damages.

4. Insofar as respondent no.14 is concerned, learned Counsel Shri Shivan Desai urged that the presence of respondent no.14 is now not necessary as the GCZMA has taken appropriate action and issued show cause notice having regard to the order dated 17.04.2024 passed by this Court in the petition. For the present, suffice to observe that the pendency of the present petition will not be an impediment for the GCZMA to decide the show cause notice on its own merits and in accordance with law. The decision of the GCZMA will have a bearing on the appeal that is filed by respondent no.14 before the Additional Director of Panchayat. In this view of the matter, it is appropriate that the GCZMA decides the show cause notice prior to the appeal pending before the Additional Director of Panchayat within a period of 8 weeks from today. The order passed by the GCZMA be then placed before the Additional Director of Panchayat who shall dispose of the appeal within a period of 4 weeks thereafter. GCZMA as well as the Additional Director of Panchayat to decide the matters on its own merits and in accordance with law. It is always open for the respondent no.14 to challenge the order passed by the GCZMA before the appropriate forum in case an adverse order is passed.

5. Insofar as the application of respondent no.15 i.e. MCA No.443/2024 is concerned, the applicant has sought de-sealing of the structure for the purpose of demolition. Mr De Sa objects to the de-sealing. In his MCA No.2282/2024 (F), he has sought demolition of one common structure, two cottages and a toilet. In order that there is no ambiguity as to the identity of the structures on the concerned plot which

bears survey no.124/1 B of village Candolim admeasuring 4718 sq.mtrs., we deem it appropriate that the GSPCB de-seals the structures in the concerned property and the GCZMA, on such de-sealing, simultaneously surveys the property and prepares a report of all structures existing on the said property. Such inspection and survey to be conducted in the presence of the petitioner and respondent no.15. The report shall be submitted to this Court within a period of two weeks from today. On completion of the survey the GSPCB shall de-seal the structures in question. Place MCAs no.2282/2024 (F) and MCA No.443/2024 for further consideration on 13.11.2024.

VALMIKI MENEZES, J.

M. S. KARNIK, J.