



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION NO.35 OF 2022
WITH
MISCELLANEOUS CIVIL APPLICATION NO.1151 OF
2025(FILING)
WITH
MISCELLANEOUS CIVIL APPLICATION NO.1186
OF 2025(FILING)

PUBLIC INTEREST LITIGATION WRIT PETITION
NO.35 OF 2022
WITH
MISCELLANEOUS CIVIL APPLICATION NO.1151 OF
2025(FILING)
IN
PUBLIC INTEREST LITIGATION NO.35 OF 2022

1. CHICALIM VILLAGERS ACTION
COMMITTEE (CVAC)

Represented by its Secretary,
Rui Manuel Da Silva Costa Araujo,
S/o Fernando Da Costa Araujo,
Indian National, farmer, Age 58 years,
Resident of House No. 118,
Gina, Chicalim, Mormugao,
Goa - 403711,
Email:ruicosara@rediffmail.com,
Mobile: +919850458478,
Income: Rs 10,00,000/-per
Annum (approx)
Aadhar No.: XXXXXXXXX2027.

2. THE GOA FOUNDATION,
through its Secretary, Dr. Claude Alvares,
age 73 years, having Regd.
Office at Room No 7, Above Mapusa Clinic,
Mapusa, Goa - 403507,
PAN No. AAAAG0249C,
Income: Rs 10 - 15,00,000/- per annum (approx.),
Registration No. - 23/Goa/86
Email id: goafoundation@gmail.com

Versus

1. THE DISTRICT COLLECTOR,
SOUTH GOA, Office of the
District Collector, South Goa District,
Matanhy Saldanha Administrative Complex,
Near KTC Bus Stand,
Margao, Goa - 403601.

2. THE STATE OF GOA,
Through its Chief Secretary,
c/o Secretariat, Porvorim, Goa - 403521.

3. THE MORMUGAO PLANNING
AND DEVELOPMENT AUTHORITY,
Through its Member Secretary,
Commerce Centre, IInd Floor,
Near Bus Stand, Vasco da Gama,
Goa - 403802.

4. THE DEPUTY CONSERVATOR
OF FORESTS, South Goa Division,
Aquem, Margao, Goa - 403601.

5. THE VILLAGE PANCHAYAT
OF CHICALIM, through its Secretary,
House. No. 163 A, PO-Chicalim,
Mormugao-Goa. 403711.

6. ALVARO TETONIO REBELO
E COSTA, Son of Late Mr.
Ivo de Costa @ Ivo dos Milagres Costa,
Major in age, Indian National,
R/o H.No.137/S, Holy Cross Colony,
Assoi, Chicalim-Goa.

7. FILIPE ESTEVAO REBELLO
E COSTA, Son of Late Mr.
Ivo de Costa @ Ivo dos Milagres Costa,
Major In Age, Indian National,
R/o H.No.137/S/1, Holy Cross Colony,
Assoi, Chicalim-Goa.

8. FELIX CARLOS MILAGRES
REBELLO E COSTA,
Son of Late Mr.
Ivo de Costa @ Ivo dos Milagres Costa,
Major In Age, Indian National,
R/o. Villa No.1, Karma Gardens,
Near Regina Mundi School,
Chicalim-Goa.

8. FELIX CARLOS MILAGRES
REBELLO E COSTA,
Son of Late Mr.
Ivo de Costa @ Ivo dos Milagres Costa,
Major In Age, Indian National,
R/o. Villa No.1, Karma Gardens,
Near Regina Mundi School,
Chicalim-Goa.

9. PRABHU REALTORS,
A Partnership Concern, Through its Partner,
Mr. Amit Chandrakant Prabhu,
Shop No.1, Murgao Avenue,
Near Desterro Church, Vasco, Goa - 403803.

10. ANIL A. SHETGAONKAR,
Former DCF, c/o Forest Department,
South Goa Division, Aquem,
Margao, Goa - 403601.

11, THE MINISTRY OF ENVIRONMENT,
FORESTS AND CLIMATE CHANGE,
through its Secretary,
Indira Paryavaran Bhavan, Jor Bagh Road,
New Delhi - 110003.

.... Respondents.

WITH

**MISCELLANEOUS CIVIL APPLICATION NO.1186
OF 2025(FILING)
IN
PUBLIC INTEREST LITIGATION NO.35 OF 2022**

Prabhu Realtors, thr. Its Partner,
Amit Chandrakant Prabhu

... **Applicant**

Versus

The District Collector,
South Goa And 10 Ors.

... **Respondents.**

Mr Om D'Costa, Advocate with Mr Sherwyn F. F. Correia,
Advocates for the Petitioners in PIL Writ Petition
No.35/2022 and for the Applicant in MCA/1151/2025.

Mr S. D. Lotlikar, Senior Advocate with Mr Sarvesh Sawant, Advocate for Respondent no. 9 in PILWP/35/2022 and for the Applicant in MCA/1186/2025(F).

Mr Deep Shirodkar, Additional Government Advocate for Respondent nos.1, 2 and 4.

Mr Nikhil Pai Advocate with **Mr Anand Nagi, Advocate** for Respondent No.2.

Mr Akhil Parrikar, Advocate with **Mr S. Singbal, Advocate** for Respondents No.6 to 8.

**CORAM : BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :4th AUGUST, 2025.

ORAL ORDER: (Per. Bharati Dangre, J.)

1. The Public Interest Litigation revolve around several issues: the first being grant of Conversion Sanad under the Goa Land Revenue Code, 1968 and the second being the declaration of Private Forests in the wake of the Committees appointed to identify such Forests, in the State of Goa.

2. Mr Om D'Costa, appearing for the Petitioners in PIL Writ Petition No.35/2022 would invite our attention to the order dated 04.02.2025 passed by the Apex Court, in the Petition filed by Goa Foundation, treating this as an interlocutory application in Writ Petition **T. N. Godavarman Thirumulkpad v/s. Union of India &**

Ors.,¹ where a direction was issued to the State, that it shall not grant any 'No Objection Certificate(s)', for the conversion of any plot that has natural vegetation with tree canopy density in excess of 0.1 and an area above 1 ha.' However, Mr D'Costa would fairly submit that by a Judgment of the Division Bench dated 24.01.2024 the Apex Court vacated the interim order dated 04.02.2015 and therefore, according to him, the said issue is not permissible to be adjudicated before any Court of law.

3. Dealing with the second aspect of the declaration of Private Forests in the State of Goa, he would submit that as far as the Review Committee appointed by the Government to locate the Private Forests is concerned, the findings were subjected to challenge before the National Green Tribunal and the National Green Tribunal upheld the findings and dismissed the petition.

Being aggrieved thereby, an Appeal is filed before the Apex Court by the Goa Foundation numbered as Civil Appeal Diary No(s). 37942/2014 and on 03.03.2025, while the Respondents were directed to complete the pleadings, the Apex Court directed thus: "In the meanwhile, no further conversion sanad shall be issued in respect of the lands mentioned in prayer clause (a)".

¹ (1997) 2 SCC 267

Being conscious of the scope left with this Court in the wake of the appeal being pending before the Supreme Court, Mr D'Costa fairly state that as far as this issue is concerned, the Petitioners will have to take out appropriate applications before the Apex Court, since, as far as subject Plots No.C1, C22, C6 and C7 of Survey No.13/4 of Dabolim Village, Mormugao Taluka which were subject matter of the present PIL, the Sanads were obtained much prior and therefore it will be the Apex Court that would be called upon to determine what would be the impact of these proceedings upon the Sanads which are already obtained.

4. In the aforesaid circumstances, we are of the view that no useful purpose will be served by keeping the PIL Petition pending here and by granting liberty to the Petitioner to take out such applications before the Apex Court as permissible in law, we dispose of the Petition.

Needless to state that we have not determined the issue raised in the Petition on merits and in wake of the development that have occurred from the filing of the PIL, we grant the liberty as above.

5. Mr. D'Costa would invite our attention to the order dated 27.01.2022 passed by the Division Bench while issuing Rule in the Petition and his insistence is upon continuation of the statement recorded in paragraph 6 of the order which we decline for the very reason that it was upon the learned Counsel for the Respondents No.6 to 9 making a statement in respect of Plot No.C-6 of Survey No.13/4,

that he shall not undertake any construction or development work in the said plot without seeking leave of the Court and this statement was accepted by the Court.

6. In the wake of the subsequent developments to which we have made reference in the above paragraphs and when the learned Counsel for the Respondents No.6 to 9 do not intend to continue with the statement and according to us, in the light of the subsequent developments that have taken place including the order passed by the Apex Court in the year 2024 and also the interim order passed in respect of the issue of Private Forests, we do not deem it appropriate to direct the continuation of the statement and therefore, we refuse the prayer made by Mr D'Costa on his insistence that he should continue with the statement, which resulted into an interim order being passed by the Court.

7. We dispose of the PIL Petition. All pending Miscellaneous Civil Applications in PIL Writ Petition No.35 of 2022 also stand disposed of.

8. PIL Writ Petition No.45 of 2022 is directed to be de-tagged. To be listed separately on 25.08.2025.

NIVEDITA P. MEHTA, J. BHARATI DANGRE, J.