



shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WP NO.51 OF 2024

JOSE JOAQUIM FERNANDES AND 3 ORS

... PETITIONERS

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 7 ORS

... RESPONDENTS

Mr. Charles Elton Da Gloria Furtado with Dhruv Dhawan, Advocates
for the Petitioners.

Mr. Deep Shirodkar, Additional Government Advocate for
Respondent Nos. 1 and 3 to 7.

**CORAM:- M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED :- 13th February, 2025

P.C.

Heard Mr. Charles Furtado, learned counsel for the petitioners.
Learned counsel for the petitioner submits that though technical
clearance order is granted on 13/03/2020, the construction has not yet
commenced. It is the contention of the learned counsel for the
petitioner that the technical clearance is in breach of directions of the
NGT dated 24/09/2020. The site in question is a protected low-lying
area comprising of water bodies in Arossim village, Mormugao
Taluka, Goa.

2. Our attention is invited to the renewal of technical clearance
order dated 28/02/2023. The technical clearance order dated

13/03/2020 was issued for the construction of a hotel project in the property bearing survey no. 117/1 of Arossim village. Such technical clearance order was renewed for a period of three years starting from 13/03/2023 to 13/03/2026, vide order dated 28/02/2023. The Goa Coastal Zone Management Authority (GCZMA for short) while granting approval to the proposal vide order dated 10/03/2017 clearly observed that the clearance is subject to compliance of certain conditions. One such condition is found at clause no. 12 which stipulates that the recommendation/permission shall be valid for five years from the date of issue of the order. Learned counsel for the petitioner submits that the period of five years expired on 10/03/2022. Despite the specific condition, the technical clearance is granted for an extended period in breach of the order dated 10/03/2017 of the GCZMA.

3. Mr. Shirodkar, learned AGA brought to our notice that the GCZMA is more in the context of issue of access. It is pointed out that the Village Panchayat has not yet granted the necessary construction permission.

4. Prima facie, we are satisfied that a case is made out for grant of ad-interim relief till the next date. The respondent no.8 is restrained from undertaking any construction activity in survey no. 117/1 of Arossim village.

5. Issue notice to the respondents returnable on 17/03/2025. Mr Shirodkar, learned AGA appears and waives service on behalf of respondent nos. 1, 3, 4, 5, 6 and 7. List the matter on 17/03/2025.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.