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IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 51 OF 2024

JOSE JOAQUIM FERNANDES & 3 ORS.

... PETITIONERS

~ VERSUS ~

STATE OF GOA, THR. CHIEF SECRETARY
& 7 OTHERS

... RESPONDENTS

APPEARANCES:

for the Petitioners

Mr. Charles Furtado

for Respondent Nos. 1 & 3 to 7

Mr. Deep D. Shirodkar, AGA

for Respondent No. 2

*Mr. Adonis Felipe Colaco with Ms.
Ankita Basnet*

for Respondent No. 8

*Senior Advocate, Mr. S.S. Kantak with
Ms. Neha Kholkar, Mr. Kunal Mehta,
Mr. Preetam Talaulikar and Ms. Laxmi
Sawant*

CORAM : VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATED : 17th MARCH 2026

P.C:

1. Heard the learned Counsel for the respective parties.

2. The challenge in this Petition is to the Technical Clearance order dated 13.03.2020, granted by the Town and Country Planning Department, Mormugao. The Petitioners also seek a direction to the GCZMA to survey the subject land under Survey No. 117/1 of village Arrosim, to ascertain the existing sand dunes, as alleged in the Petition.
3. The learned Additional Government Advocate, Mr. Shirodkar, appearing for the GCZMA, today, makes a statement that the NOCs of the GCZMA dated 08.04.2013 and 10.03.2017, which were granted to Respondent No. 8 have expired and Respondent No. 8 would be required to obtain a fresh NOC, if they seek to carry out any construction at the site; this position is disputed by the learned Senior Counsel, Mr. Kantak appearing for Respondent No. 8, who claims that the license has not actually expired. Further, it is pointed out that since the Technical Clearance of the Town Planner, which is under challenge in this Petition, has expired, Respondent No. 8 would have to obtain a fresh Technical Clearance for carrying out the construction at the site.
4. Considering that at present, Respondent No. 8, does not possess any valid Technical Clearance from the Town Planner, it is clear that no construction will proceed at the site without obtaining the Technical Clearance from the concerned Town Planner. Even though the question as to whether the NOCs granted by the GCZMA dated 08.04.2013 and 10.03.2017 are in operation or have expired, is in dispute, if Respondent No. 8 chooses to apply for a fresh NOC, the GCZMA in that event, shall notify the Petitioners and hear the Petitioners before it takes any decision on such Application filed by Respondent No. 8. So also, if Respondent No. 8 chooses to challenge the contentions of the GCZMA that the

NOCs dated 08.04.2013 and 10.03.2017 have now expired and if such proceedings are filed, then the Respondent No. 8 shall implead the Petitioners as party Respondents to the proceedings and the Forum of such proceedings lodged, shall proceed to dispose of the same in accordance with law and after giving the Petitioners an opportunity of hearing.

5. Needless to state, if the Respondent No. 8 obtains a fresh license or NOC from the concerned Town Planner or GCZMA, we leave it open to the Petitioners to revive this Petition, if so advised to challenge the same afresh.
6. Considering the aforesaid mentioned facts and the directions issued by us, nothing further survives in this Petition and the Petition stands disposed of in view of the observations made above.

[AMIT S. JAMSANDEKAR, J.]

[VALMIKI MENEZES, J.]