



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.132 OF 2026

1. Ivor Domnic D'Souza, son of Late Shri. Benedict John D'souza, Age 25 years, Indian National, Resident of H.No.C-16, La Marvel Colony, Dona Paula, Panaji Goa 403004

....Petitioner.

Versus

1. Goa Coastal Zone Management Authority, Through Its Member Secretary, 4th Floor, Dempo Tower, Patto Plaza, Panaji Goa- 403001
Email- goacoastalzone@gmail.com
Mob- 0832-2951089
2. State of Goa, Through its Chief Secretary, Porvorim, Goa- 403521.
Email- stateportal.goa@nic.in
3. Village Panchayat of Reis Magos, Through its Secretary Reis Magos, Verem, Bardez-Goa
4. Rajesh Dabholkar, H. No. A/70, Ambedkhand, Reis Magos, Verem, Bardez-Goa

...Respondents.

5. Advino Fernandes, R/o. H.No.
A/70, Ambedkhand, Reis Magos,
Verem, Bardez-Goa

Mr. Abhijit Gosavi, Advocate for the Petitioner.

Ms. Sulekha Kamat, Additional Government Advocate for Respondents
No.1 and 2.

Mr. Hanumant D. Naik, Advocate (through V.C.) for Respondent No.4.

CORAM: VALMIKI MENEZES, J.

DATED: 20th FEBRUARY, 2026.

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Rule. Rule is made returnable forthwith.
3. This Petition takes exception to an Order dated 07.11.2025 passed by the Goa Coastal Zone Management Authority, directing demolition of a structure, held by it to be constructed illegally and contrary to the Goa Coastal Zone Regulations in Survey No. 78/1 of Village Reis Magos.

The sole ground on which this Petition seeks is setting aside of the impugned Order, is that the same is passed against a dead person, without hearing his heirs, one of whom is the Petitioner, who claims to be the son of deceased Benedict D'Souza.

4. The Petitioner has produced a Death Certificate of his father Benedict D'Souza, which records the said Benedict to be deceased on 22.07.2018. The Death Certificate also records that one Lilia Maria Fernandes is the wife of Benedict D'Souza.

5. In normal course, this Petition would not be entertained by me in writ jurisdiction of the Court since there is an alternate remedy of Appeal under Section 16 of the National Green Tribunal Act, 2010, which would lie to the National Green Tribunal. The sole reason for exercising writ jurisdiction is an exception to the normal rule that an appeal should be filed, and in this case, the only reason why such jurisdiction is exercised is because the Order dated 07.11.2025 would be a nullity qua the rights of the Petitioner.

6. The Show Cause Notice issued by the GCZMA dated 31.12.2021 was issued to M/s. Silver Spoon Bar and Restaurant, a proprietorship concern of Benedict D'Souza. Clearly, as on the date of issuance of the Notice, Benedict D'Souza had passed away. The Notice came to be served on his wife, Lilia Maria Fernandes or Lily D'Souza alias Lilia Maria Fernandes. The said Lilia, who claimed to be the wife of Benedict, filed a reply dated 13.01.2022 and a subsequent reply dated 16.03.2023 before the GCZMA

opposing the Show Cause Notice and justifying the extension of the structure. In her reply, she has disclosed that Benedict had passed away on 22.07.2018 and was survived by, apart from his wife Lilia, three children. The names of the three children were not disclosed in the reply.

7. The said Lilia was heard by the GCZMA, and the impugned Order dated 07.11.2025 came to be passed, which has become final for not being challenged further in an Appeal.

8. Prior to the impugned Order being passed, Lilia had also approached this Court with Writ Petition No.1757 of 2022(Filing), seeking to vacate the Order passed by this Court sealing the premises pending decision of the GCZMA, which came to be withdrawn on 07.02.2023. Thus, as far as Lilia is concerned, there is no further adjudication of the legality of the structure that is required.

9. Since the Petitioner has approached this Court, he was directed to file an affidavit stating the names of all the heirs of Benedict D'Souza with respect to the property under Survey No.78/1, in which Benedict is shown as the occupant and with respect to the structure, the complainant therein. The affidavit has been filed by the Petitioner disclosing the names of three children of Benedict, who are at serial no. 'b', 'd' and 'f' of

the affidavit and their respective spouses, all of whom are stated to reside at H.No.C-16, La Marvel Colony, Dona Paula. The names of the children and their spouses are as follows:

- b. Siddhartha Joseph D'Souza,
Son of Late Shri Benedict John Dsouza, age 40 years, resident of H.No.C-16, La Marvel Colony, Dona Paula, Panaji Goa 403004.
- c. Karen Theresa Monteiro, wife of Siddhartha J. D'Souza, daughter-in-law of late Shri Benedict D'Souza, aged 35 years, resident of H.No.C-16, La Marvel Colony, Dona Paula, Panaji Goa 403004.
- d. Shweta Mary D'Souza, D/o. late Shri Benedict D'Souza, W/o Shri Royston Cajetan Fernandes, aged 37 years, resident of H.No.C-16, La Marvel Colony, Dona Paula, Panaji Goa 403004
- e. Royston Cajetan Fernandes, S/o. Augusto Fernandes, son-in-law of late Shri Benedict D'Souza, aged 36 years, resident of H.No.39, Old Bambolim Village, Bambolim Complex, North Goa.
- f. Ivor Domnic D'Souza, Son of late Shri Benedict D'Souza, aged 24 years, resident of H.No.C-16, La Marvel Colony, Dona Paula, Panaji Goa 403004

These parties were not heard by the GCZMA before passing the impugned Order. They were necessary parties to the proceedings, and more so, since the said Lilia had disclosed that Benedict had passed away. It is in this scenario that I deem it appropriate to set aside the impugned Order dated 07.11.2025 in relation to the present Petition only, with direction to the GCZMA to implead the children of Benedict and their spouses, whose names are given in the preceding paragraph. At this stage, on instructions from Lilia, who is present on behalf of the Petitioner, Ivor and on behalf of all the children of Benedict and their spouses, learned Advocate, Mr Abhijit Gosavi, submits that he would put in appearance waiving service for all the four aforementioned parties before the GCZMA.

10. Consequently, the impugned Order dated 07.11.2025 shall stand quashed only as far as the Petitioner is concerned. Since the parties referred above, i.e. the children of Benedict and their spouses, are now going to be represented by Advocate Abhijit Gosavi before the GCZMA, the GCZMA shall hear and decide the legality of the structure on hearing the aforementioned legal representatives, and preferably within two months of the constitution of the Authority, which at present is still under constitution.

11. Rule is made absolute in the above terms.
12. It is made clear that this Petition stands disposed of only on the basis of the ground that the Order qua the Petitioner is a nullity and all other grounds are left open for the GCZMA to decide on their own merits.

VALMIKI MENEZES, J.