

2023 SCC OnLine Bom 1654

In the High Court of Bombay at Goa
(BEFORE M.S. SONAK AND BHARAT P. DESHPANDE, JJ.)

Ferdinando Fernandes ... petitioner;

Versus

State of Goa, Thr. Chief Secretary and Others ...
Respondents.

Writ Petition No. 379/2023

Decided on August 2, 2023

Advocates who appeared in this case:

Mr. Shane Coutinho, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Deep Shirodkar, Addl. Govt. Advocate for Respondents No. 1, 2, 4 and 5.

Mr. Pranay Kamat, Advocate for Respondent No. 3.

Mr. V. Salatry, Advocate for Respondents No. 6, 8, 9 and 10.

Mr. V. Naik holding for Mr. Akshay Shirodkar, Advocate for Respondent No. 11.

P.C.

1. Heard Mr. Shane Coutinho for the Petitioner. Learned Advocate General appears along with Mr. Deep Shirodkar, Addl. Govt. Advocate for Respondents No. 1, 2, 4 and 5, Mr. P. Kamat appears for Respondent No. 3. Mr. Salatry appears for Respondents No. 6, 8, 9 and 10. Mr. V. Naik holding for Mr. Akshay Shirodkar appears for Respondent No. 11.

2. The grievance in this Petition is that Respondents No. 6 to 13 have undertaken illegal constructions in the NDZ of the CRZ area. Though the Petitioner filed complaints to the Panchayat and the Goa Coastal Zone Management Authority (GCZMA), no action was forthcoming.

3. The learned Advocate General states that show cause notices have already been issued to Respondents No. 6 to 12, as also stop work notices have been issued. Even a demolition order is already issued to Respondent No. 13. The learned Advocate General states that show cause notices will be issued by the GCZMA within three months from today.

4. Respondents No. 6 to 12 must cooperate with the GCZMA and not delay the proceedings before the GCZMA. In the peculiar facts of the present case, the GCZMA should also hear the Petitioner along with Respondents No. 6 to 12. The Petitioner should also cooperate with the

GCZMA and not seek unnecessary adjournments.

5. In such matters, because the GCZM Authorities meet en banc, it is better if the parties file their written submissions in this Petition instead of insisting upon oral hearings. Mr. Salatry and Mr. Coutinho agree to file written submissions.

6. Mr. Salatry points out that even the Petitioner has carried out illegal construction in the NDZ. He submits that on 23/6/2023, a complaint is filed to the GCZMA. A copy of such a complaint is annexed to the affidavit-in-reply filed by Respondent No. 6.

7. Accordingly, we direct the GCZMA to consider this complaint and act on the same. Even this complaint should be disposed of within three months from today.

8. Mr. Kamat states that the Panchayat will also issue show cause notices to Respondents No. 6 to 13 and their lessees/licensees. He states that the Panchayat will complete its action within three months from today. In the peculiar facts of the present case, the Panchayat must afford an opportunity of hearing to the Petitioner, along with noticees.

9. Now that the Authorities are activated to acting, there is no point in pending the present Petition.

10. The present petition is disposed of with the above directions.

11. All concerned to act on an authenticated copy of this order.

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