

2023 SCC OnLine Bom 1718

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

Telotin Domingo Cabo and Others ... Applicants;

Versus

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

Misc. Civil Application No. 1787 of 2023(F) In Public Interest
Litigation Writ Petition No. 12 of 2023

Decided on August 21, 2023

Advocates who appeared in this case:

Mr. Anacleto Viegas, Advocate for the Petitioners/Applicants.

Mr. D. Pangam, Advocate General with Mr. Prashil Arolkar, Additional
Government Advocate for Respondent Nos. 1, 2, 4, 5, 7 and 8.

Mr. D. Pangam, Advocate General with Mr. S. Priolkar, Additional
Government Advocate for Respondent No. 6.

Mr. Pavithran A.V. with Mr. P. Kholkar, Advocate for Respondent No.
3.

Mr. A.D. Bhobe, Advocate for Respondent Nos. 10 and 13.

Mr. S.D. Lotlikar, Senior Advocate with Mr. T. Sequeira, Advocate for
Respondent No. 11.

Mr. V.A. Lawande with Mr. P. Redkar, Advocate for Respondent No.
12.

Mr. Ryan Menezes and Mr. Nigel Fernandes, Advocates for
Respondent No. 14.

P.C.

1. Mr. Nigel Da Costa Frias withdraws his appearance on behalf of
the petitioners/applicants. Mr. Anacleto Viegas appears on behalf of the
petitioners/applicants. Mr. Viegas states that Vakalatnama will be filed
during the course of the day.

2. Mr. Viegas submits that the order for a deposit of Rs. 5,00,000/-
(Rupees Five Lakhs only) may be varied or at least reduced. He points
out that petitioner no. 1 is a poor truck driver and the other petitioners
are farmers. He points out that the Director's order requiring petitioner
no. 1 to pay an amount of Rs. 1,97,12,500/- (Rupees One Crore Ninety
Seven Lakhs Twelve Thousand and Five Hundred only) was a
counterblast to the petitioner instituting the present petition in public
interest. He submits that already a representation has been instituted
against the said order.

3. Since a revision is already instituted against the Director's order, we will hear the petitioner further on our direction of deposit of an amount of Rs. 1,97,12,500/- (Rupees One Crore Ninety Seven Lakhs Twelve Thousand and Five Hundred only). However, there is no case made out for varying or even reducing an amount of Rs. 5,00,000/- (Rupees Five Lakhs only), which the petitioners have been directed to deposit towards security for costs.

4. The above order was made because the petitioners instituted this petition in a purported petition. However, from the responses filed, including the response from the State Authorities, it prima facie appeared that petitioner no. 1 was himself involved in illegal quarrying, as a result of which orders have been made requiring him to pay to the State Government the above amount of Rs. 1,97,12,500/- (Rupees One Crore Ninety Seven Lakhs Twelve Thousand and Five Hundred only).

5. The alternate prayer in this application is that an extension of time may be granted for depositing an amount of Rs. 5,00,000/- (Rupees Five Lakhs only) towards security for costs.

6. On the alternate prayer, an extension of two weeks from today is granted to deposit an amount of Rs. 5,00,000/- (Rupees Five Lakhs only).

7. Misc. Civil Application is disposed of in the above terms.

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