

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-54 OF 2020**

Roshan Luke Mathias ... Petitioner

Vs

State of Goa & Ors. ... Respondent

Shri C.A. Ferreira and Shri Dhaval Zaveri, Advocates for the Petitioner.
Shri D. Pangam, Advocate General with Shri Sagar Dhargalkar,
Additional Government Advocate for State.
Shri Jatin Ramaiya, Advocate for the Respondent No.3.
Shri Pravin Faldessai, Advocate for Union of India.

**Coram :- DAMA SESHADRI NAIDU &
M.S. JAWALKAR, JJ.**

Date :- 19th JUNE 2020

P.C. :

The petitioners, said to be public spirited, assail the civil works undertaken by the third respondent through a contractor. They allege that the Authorities have no permission, especially, from the environmental agencies; yet they have been going ahead with the work. They also complain that despite their best efforts, they could not secure any response from the Government even under the Right to Information Act.

2. In the end, after taking us through the material on record including the photographs filed showing the state of affairs as to the progress of work, the learned counsel for the petitioners submits that unless the Court intervenes, the position may become irreversible. That is, the respondents' unchecked felling of trees, excavation and levelling of

earth, though it is ecologically sensitive and prohibited area. The works undertaken are affecting the nearby villages, too. So the learned counsel urges this Court to intervene.

3. In response, the learned Advocate General informs the Court that until now the petitioners have not served physical copies of the case papers; instead the Authorities have received an email containing soft copies. In this context, the learned Advocate General submits that because of technical difficulties, he could not properly open the documents and seek instructions from the Authorities concerned. So he seeks time. At any rate he draws our attention to what is said to be the permission granted by Goa Coastal Zone Management Authority. Based on this, he asserts that the Authorities do have the necessary permissions to carry on with the civil works.

4. The learned Counsel for the third respondent, too, seeks time to get instructions and to file a reply.

5. Seen from the record, including the photographs filed, we *prima facie* feel that the permission the Goa Coastal Zone Management Authority granted to the Authorities concerns the erstwhile central jail; that is, only the structures of that building. But the petitioners' counsel has demonstrated, again we may note *prima facie*, that the Authorities are cutting trees in a wide swathe in the name of laying road and also providing parking facility. It is next to a river, in an ecologically sensitive

zone.

6. Under these circumstances, to enable the learned Advocate General and the other counsel for the respondents to get instructions, we adjourn the to 23/06/2020. In the meanwhile, the respondents may go ahead with the civil work exclusively confined to the fabric of the erstwhile jail, without touching the surrounding vacant area.

Post the mater on 23.06.2020.

M.S. JAWALKAR, J.

DAMA SESHADRI NAIDU, J.

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