

**IN THE HIGH COURT OF BOMBAY AT GOA****LD-VC-CW-292-2020**

Gopal Shetgaonkar &amp; Ors. ... Petitioners

Versus

State of Goa &amp; Anr. ... Respondents

Shri S.S. Kantak, Senior Advocate, with Shri Abhijit Gosavi, Advocate for the Petitioners.

Ms M. Correia, Additional Government Advocate for the Respondents.

**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 21 OCTOBER 2020****P.C. :**

The petitioners suffered orders of demolition in the hands of the respondents: GCZMA. All those orders were passed in February and March 2020. Soon after that, the petitioners filed statutory appeals before the National Green Tribunal (NGT). Now, the petitioners plead that given the lockdown during the pandemic, there were no regular hearings before the NGT. So, the petitioners could not press their cause before the NGT for any interim protection.

2. Now, the petitioners have come up with this Writ Petition, apprehending imminent demolition of their structures by the GCZMA.

3. Shri S.S. Kantak, the learned Senior Counsel, in the above factual backdrop, points out that a four-judge Bench of this Court at the principal Bench has passed a series of judicial directives. Those directives restrain all the courts, tribunals, and quasi-judicial authorities, amenable to its supervisory jurisdiction under Article 227, from taking any precipitous

steps such as demolition of structures for a particular period. According to him, this Court has time and again extended that period; not the extended period it to last up to 31.10.2020. Despite the prohibitory orders, the Authorities of GCZMA, according to Shri Katak, came yesterday to the petitioners' structures and tried to demolish them. And that forced the petitioners to rush to this Court for further protection, at least, until the NGT reopens after Dussehra vacation and takes up the matters.

4. Ms M. Correia, the learned Additional Government Advocate for the GCZMA, with equal intensity, has contended that the Authorities wanted to implement orders that still hold the field. Nothing more do they contemplate.

5. As I have already noted, this Court, per a four-judge Bench, issued periodic directions, restraining all the authorities concerned, such as NGT besides the Courts and Tribunals, from taking any precipitous steps during the pandemic. It is because most affected parties do not have access to justice during the epidemic. Indisputably, this Court's directions are effective up to 31.10.2020 unless extended further.

6. I, therefore, reiterate that the GCZMA will put on hold any act of demolition vis-à-vis the petitioners' structures until 31.10.2020 because already there are binding directions from this Court on that count. I am informed that NGT will resume its sitting on 27.10.2020

7. Let the matter be listed on 29.10.2020. The parties to act on the authenticated copy of this order. And the learned counsel for the GCZMA

undertakes to communicate this Court's directions to the officials concerned.

The petitioners are directed to bring on record “the Goa Paryavaran Savrakshan Sangharsh Samiti”, at whose behest, it seems, GCZMA passed the orders in question.

**DAMA SESHADRI NAIDU, J.**

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