

STM 1033 2020

IN THE HIGH COURT OF BOMBAY AT GOA**STM NO.1033 OF 2020****Sylvester D'Souza****..... Petitioner****V e r s u s****Goa Coastal Zone Management
Authority.****Thr. Its Member Secretary
and 4 others.****..... Respondents**

Mr. S. D. Lotlikar, Senior Advocate with Adv. Shri Jayant Umesh Karn for the Petitioner.

Mr. D. J. Pangam, Advocate General with Ms. Maria Correia, Addl. Government Advocate for the Respondent nos.1 to 4.

Mr. Y. Nadkarni, Advocate for the Original Complainant/Respondent no.6.

CORAM: DAMA SESHADRI NAIDU, J.**DATE: 27th JULY 2020.****ORDER:**

All the learned counsel concerned argued extensively on the maintainability of the Writ Petition, in the face of the alternate remedy under the National Green Tribunal Act.

2. At any rate, earlier this Court's Principal Bench at Bombay stayed all demolitions across the States of Maharashtra and Goa up to 31/8/020. In this Writ Petition, too, the subject concerns the demolition of the structures.

3. That said, the impugned order emanates from the Goa Coastal Zone Management. It was in the wake of directions passed by the National Green Tribunal (NGT), Delhi, in the 6th respondent's Execution Application.

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4. In defence against the plea of alternative remedy, the learned Senior Counsel for the petitioner pleads that given the prevailing pandemic, the petitioner could not go to Delhi to file an appeal before the NGT. The fact, nevertheless, remains that now petitioner has been protected until 31st August 2020 from any imminent demolition. Besides, as all parties have informed the Court, the Execution Application before NGT stands posted to 17th August 2020 for further hearing.

5. Under these circumstances, the learned Senior Counsel assures the Court that the petitioner will try to approach NGT before the blanket stay granted by the Principal bench ends. There, he wants the Court to put the matter on hold till, at least, the third week of August 2020.

To enable the petitioner to approach the learned NGT as he has desired, list the matter on 20/8/2020.

DAMA SESHADRI NAIDU, J.

AP/-