

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-341-2020**

Cavelossim Villagers Forum ... Petitioner

Versus

The Village Panchayat of Corelossim and Ors ... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioners.

Coram:- M. S. SONAK &**SMT. M. S. JAWALKAR, JJ.****Date :- 5th January,2021****P.C.:**

Heard Mr. Nigel Da Costa Frias, learned Counsel for the petitioners.

2. The petitioners in this case challenged the order dated 08/10/2020 passed by the GCZMA in complaint no. GCZMA/ILLE.COMPL/1819/24/725. Further, the petitioners seek direction to the GCZMA to conduct fresh enquiry and if necessary to hold the fresh site inspection. The petitioners also seek quashing of a report dated 18/08/2015 made by the Nafiza Shaikh, Junior Engineer-BDO, Salcete, Goa.

3. Today, we have disposed of LD-VC-CW-340-2020, in which, the petitioners had also challenged the GCZMA's order dated 08/10/2020 in relation to the very same structure. This petition was disposed of by holding that the petitioners have alternate and efficacious remedy available to them under National Green Tribunal Act,2010. For the same reasons, even this petition will have to be disposed of by relegating the petitioners to avail the alternate remedy under the National Green Tribunal Act,2010.

4. Insofar as, reliefs relating to holding of fresh enquiry or a fresh site inspection or the challenge to the report of BDO are concerned, we feel that all these are incidental matters. The petitioners question the GCZMA's order dated 08/10/2020 on the basis that the BDO's report dated 18/08/2015 was made allegedly in violation of principles of natural justice or that this report does not otherwise depict the correct position at the site. Therefore, in the challenge to the order dated 08/10/2020, the petitioners will naturally, be in a position to impugn the findings in this report or the manner in which such report was made. For that purpose it is not necessary to entertain the present petition when against the main order the petitioners have alternate and efficacious remedy available National Green Tribunal Act,2010.

5. Therefore, on the ground of availability of alternate and efficacious remedy we decline to entertain the present petition. We grant liberty to the petitioner to avail of such alternate remedy and also make it clear that since we have not gone into the merits or rival contentions all contentions of all parties are specifically left open for adjudication before the appropriate forum.

6. With the aforesaid observations and liberties we dispose of this petition.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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