

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA***LD-VC-CW-350-2020***

Helcino A. Fernandes & ors. Petitioners.

Versus

State of Goa and others. Respondents.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,
Advocate for the Petitioners.Mr. D. Pangam, Advocate General with Ms. A. Kamat, Additional
Government Advocate for Respondent Nos. 1 to 3.

Mr. J. A. Lobo, Advocate for Respondent Nos.5 and 6.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.******Date : 6th January, 2021.*****P.C. :-**

Heard Mr. Coelho Pereira, the learned Senior Advocate for the Petitioners, Mr. D. Pangam, the learned Advocate General along with Ms. A. Kamat, Additional Government Advocate for Respondents No.1, 2 and 3 and Mr. J.A. Lobo for Respondents No.5 and 6.

2. **Rule.** The learned Counsel appearing on behalf of the Respondents waive notice on Rule.

3. In this matter, we are not inclined to grant any interim reliefs

as prayed for by the Petitioners. This is because the grant of any interim relief, at this stage, would virtually amount to granting the final reliefs in this Petition. Besides, this is not a case where the Petitioners have been totally deprived of opportunity to undertake the water sports activity. The Petitioners have, in fact, been licensed to undertake water sports activity in Uttorda – Gonsua Beach, almost on exclusive basis. The case of the Petitioners No. 2 and 4 is that they ought to be granted licence to operate from Majorda Beach, along with Respondents No.5 and 6, who have also been granted licence to operate from Majorda Beach. In these circumstances, we feel that no case has been made out to grant of any interim reliefs.

4. The main reason why we have issued Rule in this Petition is because we feel that the State Government should have some transparency when it comes to grant of such licences, particularly when there are more than one applicants desirous to operate from any particular beach. It was pointed out to us that on most of the beaches in Goa, licences are issued in favour of Societies and their members then operate the water sports activities on queue basis. Mr. Pereira points out that there is a challenge to this issue as well. However, there is no explanation as to why such system is not being operated at Majorda Beach when, such system is in operation on most of the beaches in Goa.

5. We direct the concerned authorities to file a response to the issues raised in this Petition, including, in particular, to the issue which we have highlighted in the previous paragraph of this order, within a period of four weeks from today. If, any other private Respondents wish to file any further reply, they are also granted four weeks' time to do so. Advance copies of such affidavits to be furnished to the learned Counsel for the Petitioners.

6. If the Petitioners wish to file any rejoinder, the Petitioners are granted liberty to do so.

7. Once the pleadings are complete, we grant liberty to the Petitioners to apply for a fixed date for taking this matter.

8. Mr. Pereira points out that Writ Petition No.307/2017 is pending in this Court which also raises similar issues. Accordingly, we direct that Writ Petition No.307/2017 be also taken up along with the present Petition.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.