

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 34 OF 2020

Margao Wholesale Fish Market Association ..... Petitioners

*V e r s u s*

The State of Goa & Ors. .... Respondents

Mr. Dattaprasad Lawande, Mr. P. Dangui and Mr. Ashish Krishnanath,  
Advocates for the Petitioners.

Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar, Additional  
Government Advocate for the Respondent nos.1 and 2.

Mr. A. D. Bhohe and Mr. Byron Rodrigues, Advocates for the Respondent  
No.3.

Mr. I. Santimano, Advocate for the Respondent no.4.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 9<sup>th</sup> June, 2020

P.C.

Heard Mr. Lawande, the learned Counsel appearing for the  
petitioners, Mr. D. Pangam, the learned Advocate General appearing for the  
respondent nos.1 and 2, Mr. Bhohe, the learned Counsel appearing for the

respondent no.3 and Mr. Santimano, the learned Counsel appearing for the respondent no.4.

2. Mr. Lawande, the learned Counsel for the petitioners, refers to exhibit D to this petition, which is notice dated 12.05.2020 issued by the South Goa Planning and Development Authority (SGPDA). On basis of instructions, he states that the petitioners, without prejudice to their rights and contentions in relation to challenge to the notice dated 12.05.2020, will comply with the conditions set out in the notice, if possible, by 12<sup>th</sup> of June, 2020. Mr. Lawande states that on this basis, interim directions may be issued to the SGPDA to open the wholesale fish market.

3. Mr. Bhohe, the learned Counsel appearing for the respondent no.3-SGPDA, states that all concerned will have to comply with the conditions set out in the notice dated 12.05.2020 before the wholesale market can be actually opened. He states that the SGPDA will verify if there is compliance and, thereafter, the matter can be considered on the next date.

4. The notice dated 12.05.2020 in fact, is a notice for re-opening of the wholesale fish market subject, no doubt, to certain conditions which have been specified in the notice. Therefore, if there is compliance with the

conditions, at least, prima facie, the SGPDA cannot resist re-opening in terms of its own notice.

5. Accordingly, the matter is now posted on 16<sup>th</sup> June, 2020. By 15<sup>th</sup> June, 2020, however, the SGPDA to make its position clear by filing of affidavit. Copies of such affidavits to be served upon the learned Counsel for the petitioners as well as the learned Advocate General and Mr. Santimano, the learned Counsel appearing for respondent no.4, in advance by email, if necessary.

6. Stand over to 16.06.2020.

**M. S. JAWALKAR**

**M. S. SONAK, J.**

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