

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-119 OF 2020

Joseph D'Souza. Petitioner.

Versus

State of Goa and others. Respondents.

Mr. Gaurang Panandiker, Advocate for the Petitioner.

Mr. D. J. Pangam, Advocate General with Ms. Maria Correia,
Additional Govt. Advocate for Respondents No.1 to 5.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.***

Date : 17th August, 2020.

P.C. :-

Heard Mr. Panandiker for the Petitioner and Mr. D. Pangam, the learned Advocate General with Ms. M. Correia, learned Additional Government Advocate for Respondents No.1 to 5.

2. Mr. Panandiker submits that necessary steps have been taken to serve Respondent No.6.

3. For the order which we propose to make, the presence of Respondent No.6 is not necessary. Accordingly, we proceed to dispose of this Petition.

4. The allegation, in this Petition, is that Respondent No.6, whose name appears in the survey records pertaining to the property

bearing Survey No.132/1-A of Tuem Village, Pernem Taluka, has commenced illegal reclamation/filling of land, without obtaining permissions of the concerned Authorities. Mr. Panandiker points out that the property, in question, is affected by the Coastal Regulation Zone (CRZ Notification). Besides, no permissions from any Authorities appear to have been taken for undertaking such activity of reclamation/filling of the land.

5. According to us, at this stage, we are not required to go into such allegations. This is because, there is an affidavit on behalf of the Goa Coastal Zone Management Authority (GCZMA) *i.e.* the Respondent No.5 herein, which states that an inspection was carried out by the officials of the said Authority. Upon noticing some *prima facie* violations, a show cause notice has already been issued to Respondent No.6. The learned Advocate General states that this show cause notice will be taken to its logical conclusion and disposed of in accordance with law.

6. The learned Advocate General also makes a statement that by an order dated 31st July, 2020, the Deputy Collector of Pernem has also issued a stop work order. He points out that an FIR has also been registered in the matter and instructions have been issued to the Police Authorities to ensure that there is no further land filling/reclamation activity in the property in question. We accept this statement and also direct the concerned Authorities to ensure

that there is no illegal land filling/reclamation, until the proceedings before the GCZMA, as also the Revenue Authorities, are disposed of in accordance with law.

7. According to us, now that the Authorities have taken cognizance of the Petitioner's complaint and have also acted on the basis of the same, there is no necessity of keeping this Petition pending. Therefore, whilst directing the Authorities to dispose of the show cause notice issued by them or the proceedings initiated by them in accordance with law, we dispose of this Petition. We are sure that the Authorities will comply with the principles of natural justice in the matter of disposal of the show cause notice/proceedings. This is the reason why we felt that the presence of Respondent No.6 was strictly not necessary for making such an order.

8. The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the basis of an authenticated copy of this order

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.