

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 93 OF 2020

Alex J. Fernandes ..... Petitioner

*V e r s u s*

The Chief Secretary,  
State of Goa & Ors. .... Respondents

Mr. Rohit Bras De Sa and Ms. V. Shet, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. Sagar Dhargalkar, Additional Government Advocate for the Respondent nos. 1, 2, 4, 5, 7, 8, 9, 10 & 11.

Mr. Amogh Prabhudessai, Advocate for the Respondent no. 3.

Mr. P. Vernekar, Advocate for the Respondent no.12.

Mr. G. Agni, Advocate for the Respondent no.13.

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

Date : 18<sup>th</sup> August, 2020

ORAL ORDER

1. Heard the learned Counsel for the parties.
2. The returns as well as the submissions made by the learned Advocate General and Mr. Amogh Prabhudessai, the learned Counsel for the

NGPDA-respondent no.3, bear out that these authorities have issued notices to the respondent no. 13 in relation to the construction, which the petitioner alleges as being an unauthorised construction. The learned Advocate General pointed out that even stop-work order has been issued to the respondent no. 13.

3. Mr. Agni, the learned Counsel for the respondent no.13, submits that the work has already been stopped and there is no intention to recommence the work until all permissions are in place and the respondent no.13 satisfies the authorities that there is nothing illegal about the construction.

4. Mr. Agni, the learned Counsel, states that the notices up till date have not been received by the respondent no.13.

5. According to us, since the notices are already issued, we are sure that the same will be received by respondent no.13 shortly. In any case, the Goa Coast Zone Management Authority (GCZMA) and NGPDA are at liberty to serve copies of such notices on the learned Counsel appearing for the respondent no. 13, who has agreed to accept the same on behalf of the

respondent no.13. We add, however, that the learned Advocate General submits that the notice is already served upon the respondent no,13.

**6.** Mr. Vernekar, the learned Counsel for the Panchayat, states that the Panchayat will also look into the complaint of the petitioner and initiate appropriate action in accordance with law within a reasonable period.

**7.** Now that the statutory authorities have been activated in the matter and the respondent no. 13 has also halted the activity at the site, we see no reason to let this petition pend before us. We, however, direct the statutory authorities to take their notices to their logical conclusion i.e. to dispose off such notices in accordance with law and consistent with the principles of natural justice and fair play. The statements made on behalf of respondent no.13 as well as some of the other respondents are accepted as statements to this Court. Such respondents will have to act accordingly.

**8.** We make it clear that we have not gone into the issue of legality or otherwise the activity undertaken by respondent no. 13. Therefore, the

authorities, who are enjoined to look into this matter, will dispose off the show cause notices on their own merits and in accordance with law.

9. With the aforesaid directions, we dispose off this petition.
10. There shall be no order as to costs.
11. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR

M. S. SONAK, J.

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