

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW-135-2020
WITH
LD-VC-OCW-139-2020
IN
LD-VC-CW-107- 2020

Joaquim Reginaldo Mendes

...Applicant.

Versus

The State of Goa And Ors.

.... Respondents.

Mr. S. S. Katak, Senior Advocate with Mr. Preetam Talaulikar,
Advocate for the Applicant.

Mr. Devidas J. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for the Respondents No.1 and 2.

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

Date: 23rd September 2020

P.C.

Heard Mr. S. S. Katak, learned Senior Advocate with
Mr. Preetam Talaulikar, learned Counsel for the applicant. Mr.
Devidas J. Pangam, learned Advocate General appears alongwith Mr.
Deep Shirodkar, learned Additional Government Advocate for the
Respondents No.1 and 2.

2. At the request of Mr. Kantak, we grant leave to amend this petition. The amendment to be carried out within one week from today and copies of the amended petition to be served upon the respondents. We issue notices to the unserved respondents including the added respondents, returnable on 20.10.2020.

3. We direct the Director of Fisheries as well as the Coast Guard Authorities, who have been impleaded as respondents to this petition, to file response to this petition indicating the manner in which they propose to enforce their own orders dated 10.05.2016 (page 12 of the paperbook) and order dated 10.11.2017 (page 13 of the paperbook). These orders, prima facie, ban fishing in the specified area by bull or pair trawling and the use or installation or operation of surface or submerged artificial lights/LED lights, fish light attractors or any other light equipment with or without generator or mechanized fishing vessel or motorized fishing craft for trawling, purse-seining and gill netting operation. The effect of these orders is that such operations, prima facie, stand banned, both within as well as beyond the territorial waters of India (in EEZ).

4. Prima facie, it appears that such ban is in place. However, there appears to be difficulty in enforcing the ban. Therefore, the Director of Fisheries as well as the Coast Guard Authorities, to place on record the plan of action for effectively

enforcing such ban in case, such ban, according to them, is in operation.

5. In the meanwhile, if according to the Director of Fisheries, and the Coast Guard Authorities, such ban is in operation, then, it is expected, that such authorities, take action to the best of their ability to enforce such ban. In particular, such authorities, should inspect the trawlers of the newly added respondents and see whether such lights have been affixed to their trawlers, or otherwise, such newly impleaded respondents are making use of such lights or undertake bull or pair trawling. The copies of the affidavit to be furnished in advance to the learned Counsel appearing for the petitioner.

6. Stand over to 20.10.2020.

7. Mr. Kantak states that the earlier amendment application is now infructuous in view of the leave granted to amend this petition. Accordingly, the earlier application dated 17.08.2020 is disposed of.

M. S. JAWALKAR, J.

M. S. SONAK, J.

msr.