

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW-104-2020

In

PIL WRIT PETITION NO.32 OF 2019

Peter D'Souza In **...Applicants/Petitioners**
Agnelo Barreto and Ors.

Versus

NGPDA and Ors. **.... Respondents.**

Ms. Anamika Gode, Advocate for the Applicants.

Mr. S. Karpe, Advocate for Original Respondent No.1.

Mr. Pankaj Vernekar, Advocate for Panchayat-Original Respondent No.5.

Mr. Devidas J. Pangam, Advocate General with Mr. Pravin Faldessai, Additional Government Advocate for the Original Respondents No.2, 3, 4 and 9.

Mr. A. D. Bhobe, Advocate for the Original Respondent No.6.

Mr. Nikhil Pai with Mr. R. Shirodkar, Advocate for Original Respondent No.7.

Mr. Nitin Sardesai, Senior Advocate with Mr. Vibhav Amonkar, Advocate for the Original Respondent No. 11.

**Coram : M. S. SONAK &
DAMA SESHADRI NAIDU, JJ.**

Date : 28th August, 2020

P. C.:

The allegations in this civil application is that the property bearing Survey No.267 of Calangute Village has been identified as a private forest and despite such identification, some development is coming up therein. In fact, it is the case of the applicants that a road is being laid through this property which is identified as a private forest.

2. Mr. Sardesai, the learned Senior Counsel appearing for the Respondent No.11 points out that there is no development taking place in the property surveyed under No.267/1 which is the subject matter of the main petition as well as this application for interim relief. He states that at the highest, there may be some activity going on in the property bearing Survey No.155 of the Village Arpora, which is not even the subject matter of this petition or the civil application.

3. In the aforesaid circumstances, we requested Mr. Vernekar, learned Counsel appearing for the Village Panchayat of Calangute, as to whether the Panchayat authorities will visit the site and verify the position. He submitted that it would be better if the Forest Department officials are involved in the inspection, since, this is a matter which relates to alleged activity in the area which is identified as private forest. Accordingly, we direct the officials of the

Forest Department as also the Secretary of the Village Panchayat of Calangute to visit the site at the earliest and by the next date, inform us whether any activity of construction or development is going on in the property surveyed under No.267/1 as also, in the property bearing Survey No.267 in its entirety since, it is the contention of the Ms. Gode, learned Counsel for the applicant, that the entire property bearing Survey No.267 has been identified as private forest. In case, the inspection indicates that any activity is on in the property bearing Survey No.267/1, then, the Panchayat to ensure that the same is stopped pending further orders in this application.

4. This report is to be filed by 07.09.2020. Advance copies of the report to be furnished to the learned Counsel for the parties.

5. Place this application for further consideration on 07.09.2020.

DAMA SESHADRI NAIDU, J.

M. S. SONAK, J.

msr.