

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 54 OF 2020

Roshan Luke Mathias

..... Petitioner

*V e r s u s*

State of Goa & Ors.

..... Respondents

Mr. C. A. Ferreira and Mr. Dhaval Zaveri, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the Respondent no. 1.

Mr. Raviraj Chodankar, Standing Counsel for the Respondent no.2.

Mr. Shivan Desai, Advocate for the Respondent no.3.

Mr. Pankaj Vernekar, Advocate for the Respondent no.7.

Mr. A. D. Bhohe and Mr. Chirag Angle, Advocates for the Respondent no.10.

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

Date : 30<sup>th</sup> June, 2020

P.C.

Heard the learned Counsel for the parties.

2. Mr. Desai, the learned Counsel appearing for the GTDC, makes a

statement that no activity will be undertaken in the property bearing survey no. 90/0 of Village Candolim until suitable modification is applied for and obtained from the concerned authorities who have already issued permissions in respect of certain other contiguous areas i.e. survey nos.91 and 92 of Village Candolim. This statement is accepted.

3. Mr. Desai, the learned Counsel, also pointed out that insofar as the issue of hill cutting is concerned, a show cause notice along with the stop-work order has already been served upon the GTDC. He states that in terms of the stop-work order, there is no hill cutting presently on at the site though, it is the case of the GTDC, that they are entitled to certain exemptions in this matter. Mr. Desai submits that the authorities who are required to dispose off the show cause notice may be directed to dispose off the same within some reasonable period.

4. The learned Advocate General states that the Chief Town Planner is the proper authority to dispose off the show cause notice issued to the GTDC in the context of allegations of hill cutting. He states that the Chief Town Planner will dispose off the show cause notice in accordance with law and on its own merits as expeditiously as possible and, in any case, within a

period of fifteen days from today.

5. The learned Advocate General also states, that in the peculiar facts of the present case, the Chief Town Planner is not averse to grant of some reasonable opportunity of hearing to both the GTDC as well as the petitioners. Accordingly, both the petitioner as well as the GTDC to appear before the Chief Town Planner on 3<sup>rd</sup> July, 2020 at 11.00 a.m. and to file their written submissions. On the said date, the Chief Town Planner to inform the parties about the date on which the parties/their Advocates will be orally heard. The learned Counsel for the parties assure this Court that the oral arguments will be brief and will not exceed 30 minutes on either side. Further, the learned Counsel for the parties assured this Court that only one person along with their Advocate will appear before the Chief Town Planner so that there is no unnecessary crowd in the office of the Chief Town Planner. All these statements are accepted.

6. Depending upon the outcome of the show cause notice in relation to the issue of hill cutting, liberty is granted to the parties to apply for further orders in this matter.

7. We also direct the Member Secretary of Goa Coastal Zone

Management Authority (GCZMA) to file a response to this petition.

8. Mr. Chodankar, the learned Standing Counsel for the Central Government, states that reply on behalf of respondent no.2 will be filed now that the same is already prepared and sent for approval.

9. Liberty to apply as aforesaid.

10. Interim orders granted earlier to continue.

M. S. JAWALKAR

M. S. SONAK, J.

arp/\*