

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.2/2024

THE GOA FOUNDATION THR ITS
SECRETARY DR. CLAUDE ALVARES ... PETITIONER

Versus

THE GOA STATE POLLUTION
CONTROL BOARD THR ITS
MEMBER SECRETARY AND 5 ORS. ... RESPONDENTS

Ms Norma Alvares with Mr Om D'Costa, Advocates *for the Petitioner.*

Mr Pavithran A. V. with Mr Prasad Kholkar and Mr Pranav Sankhalkar, Advocates *for Respondent No.1.*

Mr D. Pangam, Advocate General with Mr Deep Shirodkar, Additional Government Advocate *for the State.*

Mr A. D. Bhobe, Advocate *for Respondent No.6.*

CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. & M. S. SONAK, J.

DATED: 10th JANUARY 2024

P.C.:

- 1.** Heard Ms Norma Alvares, learned counsel for the Petitioner, Mr Pavithran A. V. for Respondent No.1, Mr D. Pangam, learned Advocate General with Mr Deep Shirodkar,

learned Additional Government Advocate for the State – Respondents No.3 to 5 and Mr A. D. Bhobe for Respondent No.6.

2. The grievance in this petition, as orally submitted by the counsel for the petitioner, is that certain activities of loading and unloading of mineral/ore is being undertaken by respondent no.2 at a wild life sanctuary without obtaining requisite permissions as per the requirement of Section 28 of Wild Life (Protection) Act, 1972. However, the prayer made in this petition is for quashing the consent to operate accorded to the Railways by the Goa State Pollution Control Board (GSPCB) under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981. As per the scheme of the aforesaid two enactments, the GSPCB is required to grant consent to operate to ensure that violations of these two enactments do not take place. However, insofar as the provisions of the Wild Life (Protection) Act, 1972 are concerned, the GSPCB is not the authority who administers the same.

3. Learned counsel for the petitioner, on being pointed out the aforesaid aspects of the matter, prays that the petitioner may be permitted to withdraw the petition with the liberty to file a fresh petition with the appropriate pleadings and prayers. Learned counsel for the respondents do not object to this prayer.

4. The Writ Petition is disposed of as withdrawn with liberty as prayed for.

M. S. SONAK, J.

CHIEF JUSTICE