

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.193 OF 2024

IN

WRIT PETITION NO.772 OF 2023

M/S. GOVEIA

RESORTS/WATERFRONT

....APPLICANT

Versus

STATE OF GOA,

THR. THE CHIEF SECRETARY

AND 3 ORS.

....RESPONDENTS

Mr Parag s. Rao and Mr Akhil Parrikar, Advocate for the Applicant/Original Respondent No.4.

Mr D. Pangam, Advocate General with Ms Maria Correia, Additional Government Advocate for Respondent Nos.1,2 & 5.

Mr Amey Kakodkar, Advocate for the original Petitioner.

**CORAM: M. S. SONAK &
AVINASH G. GHAROTE, JJ.**

DATE : 20th MARCH 2024

P.C. :

1. Heard Mr Rao, who appears with Mr Parrikar for the applicant (original respondent no.4). The learned Advocate General appears with Ms Maria Correia, learned Additional Government Advocate for respondent nos.1, 2 and 5. Mr Kakodkar appears for the original petitioner.

2. Mr Rao refers to compliance with the following directions:

I. The width of sluice gate is found to be only 050 m whereas as per Google Earth image of 2003 the width of the bund near the sluice gate shows 2.50m, it should be restored back to its original size.

II. The opening of the sluice gate must be restored from 12m wide to its original size.

III. The dimensions of the Lagoon as per old DSLR plan shows 96.00 m x 67.00 m, the mud filling done of water body from the southern side of the Lagoon has to be reclaimed to maintained 96.00m length of the Lagoon, since filling carried out comes within the mangrove buffer zone as per CZMP 2011.

IV. The depth of construction of sluice gate opening should be maintained below the lowest tide level.

3. He says that the applicant has already complied with directions I and IV as stated above. The GCZMA to inspect the site and verify the status of compliances.

4. Mr Rao states that in so far as direction II is concerned, the same is partially complied and the balance works would be positively completed by 30.03.2024. Based on instructions from the applicant, Mr Rao undertakes on behalf of the applicant to complete this direction by 30.03.2024.

5. Mr Rao states that direction III is also partially complied with. However, an extension is necessary up to 10.04.2024. On instructions,

on behalf of the applicant, he undertakes that even this direction will be fully complied with by 10.04.2024.

6. Accordingly, we extend the time up to 10.04.2024 for full compliance with directions II and III referred to above. The GCZMA should inspect the site within a week and if there are deficiencies regards compliance with directions I and IV above, the same should be intimated to the applicant so that even these deficiencies can be cleared by 10.04.2024.

7. The compliance report must be filed by 12.04.2024 in this Court with a copy to GCZMA and the learned Counsel for the petitioner. The GCZMA must inspect the site and report on the status of compliances.

8. This Misc. Civil Application No.193/2024 is now disposed of.

AVINASH G. GHAROTE, J.

M. S. SONAK, J.

NITI KISHOR
HALDANKAR

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