



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.308 OF 2024

SANJAY RELAN

... Petitioner

Versus

STATE OF GOA

THR. ITS CHIEF SECRETARY AND 8 ORS

...Respondents

Mr Shivan Desai and Mr A. Sardesai, Advocates for the Petitioner.

Mr S. Samant, Additional Government Advocate for Respondent Nos.
1, 2, 3, 4, 5 and 7.Mr Nitin Sardesai, Senior Advocate with Mr Vibhav Amonkar,
Advocate for Respondent No.6.

Mr Pavithran A. V., Advocate for Respondent No.8.

Mr Ganesh Naik, Advocate for Respondent No.9.

CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ

DATED : 21st JUNE 2024

P.C.:

1. We have heard Mr Shivan Desai, learned counsel for the Petitioner, Mr Nitin Sardesai, learned Senior Advocate for Respondent No.6, Mr Samant, learned Additional Government Advocate for Respondent Nos.1, 2, 3, 4, 5 and 7, Mr Pavithran, learned counsel for Respondent No.8 and Mr Naik, learned counsel for Respondent No.9.

2. After the matter was argued for some time and pursuant to the deliberations made across the Bar, in our opinion, the following order will meet the ends of justice. We are not referring to the facts in detail.

- (1) The Director of Tourism, after giving a hearing to the Petitioner, Respondent Nos.5 and 6 shall decide as expeditiously as possible and in any case within a period of 12 weeks from the date this order is placed on its record, the Representation dated 15/02/2024 made by the Petitioner vide which the Petitioner has objected to the grant of NOC dated 23/01/2024 issued by the Dy. Director of Tourism to the Respondent No.6- Panchayat.
- (2) The GCZMA shall take up for hearing the following Application/Representation/Complaint together and decide within a period of 12 weeks from the date this order is placed on its record.
 - (a) Application inwards on 27/06/2022 and styled as
“Application for permission for repairs/renovation of the compound wall or erection of bio-fencing of the existing Hindu Crematorium at Vithaldaswada-Morjim Pernem Goa” filed by Respondent No.6 after hearing the Petitioner, Respondent No.5 and Respondent No.6.

(b) Complaint/Representation dated 13/02/2024
inwarded on 14/02/2024 by Petitioner objecting to
the consideration of request for repair/erection of
structure for cremation purposes at the time in
front of Survey No.122/1-A and to the cremation
activity being undertaken at the subject site.

3. The Petitioner and Respondent No.6 are at liberty to file additional replies/documents as they may deem necessary including raising of additional grounds in support of their respective contentions.

4. The Conservator of Forest shall be entitled to file a reply on the issue of or on the aspect of the permissibility of cremation activity in terms of the turtle conservation plan operated on Morjim Beach.

5. The GCZMA, after hearing Petitioner, Respondent No.5, and Respondent No.6 shall pass a reasoned order on the application/complaint referred to in 2(a) and 2(b) above including on the aspect of permissibility and impact of cremation activity on the turtle nesting in the adjoining area on Morjim Beach.

6. During the pendency of the proceedings before the Director of Tourism as well as before the GCZMA, the interim order dated 14/03/2024 passed by this Hon'ble High Court of Bombay at Goa in Writ Petition No.308/2024 shall continue to operate.

7. It is made clear that all contentions of all parties are kept open. We do not propose to express any opinion on merits of the contentions. The petition is accordingly disposed of. No costs.

VALMIKI MENEZES, J

M. S. KARNIK, J