

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.843/2024 (F)
With
MISC. CIVIL APPLICATION NO.170, 200, 169 and 168/2024
IN
PUBLIC INTEREST LITIGATION (SUO MOTO) NO.2/2022

MISC. CIVIL APPLICATION NO.843/2024 (F)

LUIS COUTINHO

... APPLICANT

Versus

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF ILLEGAL
CONSTRUCTION)

... RESPONDENT

MISC. CIVIL APPLICATION NO.170/2024

JANARDHAN SHIRODKAR

... APPLICANT

Versus

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF ILLEGAL
CONSTRUCTION)

... RESPONDENT

MISC. CIVIL APPLICATION NO.200/2024

ANTONIO SALVADOR CUSTODIO
DE BRITTO

... APPLICANT

Versus

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF ILLEGAL
CONSTRUCTION)

... RESPONDENT

MISC. CIVIL APPLICATION NO.169/2024

CHANDRAKANT MANDREKAR

... APPLICANT

Versus

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF ILLEGAL
CONSTRUCTION)

... RESPONDENT

MISC. CIVIL APPLICATION NO.168/2024

RITHIKA GADEKAR

... APPLICANT

Versus

HIGH COURT ON ITS OWN MOTION
(IN THE MATTER OF ILLEGAL
CONSTRUCTION)

... RESPONDENT

Mr Shivan Desai with Mr A. Sardessai, Advocates for the Applicants.
Mr Abhijit Gosavi, Amicus Curiae with Mr G. Naik, Advocate.
Mr D. Pangam, AG with Mr Deep Shirodkar, AGA for the State.
Mr P. Kamat, Advocate for the Panchayat.

**CORAM: M. S. SONAK &
VALMIKI MENEZES, JJ.**

DATE: 6th MAY 2024

P.C.:

1. Heard Mr Shivan Desai with Mr A. Sardessai for the applicants, Mr D. Pangam, learned AG appears along with Mr Deep Shirodkar, learned AGA for the State and Mr P. Kamat for the Panchayat. We have also heard Mr Abhijit Gosavi, the learned Amicus Curiae in the matter.
2. These are applications by the allottees of beach shacks under the Government Shack Policy for 2023-26 for de-sealing the beach shacks.
3. The applicants have pleaded that they have all the necessary permissions, such as the Director of Tourism's Provisional License, Village Panchayat permission, NOC from DHS, Fire NOC, Excise License, FSSAI Registration Certificate, consent to operate from GSPCB, Director of Tourism's license for erection of temporary shack, and a trade license from the Panchayat.

4. The applicants do not have any permission from the TCP Dept. However, they rely on Section 3 r/w. Section 12 of Ordinance No.3/2024 notified in the Official Gazette on 15.03.2024.

5. Without going into the issue of the validity of the Ordinance or the interpretation of its provisions, we direct the GCZMA to inspect the five beach shacks and examine whether the shacks put up at the site are in accordance with the permissions granted by the GCZMA to the Directorate of Tourism for putting up such shacks. This exercise must be completed within a week from today. If the GCZMA finds this so, the GCZMA is authorised to write to the Panchayat to de-seal these five shacks.

6. The above authority is granted to the GCZMA in these five cases only because of the ensuing Court vacations, so these applicants need not once again come to the Court to seek orders for de-sealing.

7. Mr Shivan Desai, learned counsel for the applicants, admits that even if the shacks are de-sealed and commercial operations are allowed through them, these operations will have to be closed by 31.05.2024, and the shacks will have to be dismantled by 10.06.2024. On instructions, he states that this condition will be scrupulously complied with.

8. Therefore, even if the Panchayat orders the de-sealing of these five shacks, the Panchayat must also ensure that the operations come to a halt on 31.05.2024 and the shacks are dismantled by 10.06.2024. The Panchayat must file compliance report with photographs in the main petition.

9. All the above Misc. Civil Applications are disposed of in the above terms without any order for costs.

10. All concerned to act on an authenticated copy of this Order.

VALMIKI MENEZES, J.

M. S. SONAK, J.