

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.49/2015(WZ)**

CORAM:

**Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

Shri Kiran Krishnan,
Indian National,
R/o. S-4, B-Block, Colaco
Arcade, Desterra, Vasco-da-Gama,
Goa

.....Applicant

A N D

- 1. State of Goa,**
Through : Its Chief Secretary,
At Secretariate, Porvorim, Goa
- 2. The Collector (South),**
Having its office at Mathany Saldhana,
Administrative Complex, Margao, Goa.
- 3. The Deputy Collector & Sub**
Divisional Officer, Mormugao Taluka,
Having its office at Ground Floor,
Municipal Building, Vasco-da-Gama,
Goa.
- 4. The Goa Coastal Zone Management Authority,**
Through : Member Secretary,
Office at Dempo Towers, Patto
Patto Plaza, Panaji, Goa.

5. Baina Residents Welfare Association,
Through : President Mr. Dilip Anand
Khobrekar, R/o. House No.353/1,
Baina Mormugao, Goa.

6. Mr. Dilip Anand Khobrekar,
R/o. House No.353/1,
Baina Mormugao, Goa.

7. Mr. Rukma Tandel,
R/o. House No.81/GL/10,
Katem, Baina, Mormugao,
Goa.

8. Smt. Vitthalbai Shankar Lamani,
R/o. H. NO.81/GL/96, Katem, Baina
Mormugao, Goa.

.....Respondents

Counsel for Applicant

Mrs. Supriya Dangare

Counsel for Respondent No.1 to 4 :

Mrs. F.M. Mesquita, Adv.

Counsel for Respondent No.5:

Nemo.

Counsel for Respondent No.6 to 8:

Mr. Vledson Lucio Braganza Adv.

P.C.

Date: September 16th, 2015

ORAL JUDGMENT

1. Heard learned Advocate Mrs. Supriya Dangare for the Applicant. Learned Advocate Mrs. F.M. Mesquita appeared for Respondent Nos.1 to 4 None appeared for Respondent

No.5. We also heard Advocate Mr. Vledson Lucio Braganza for Respondent Nos.6 to 8.

2. The issue lies in a narrow compass. The Respondent Nos.6 to 8 filed Writ Petition No.295/2015 in the Hon'ble High Court of Bombay, Bench at Goa, challenging order of eviction passed by Mamlatdar of Mormugao issued under the provisions of Goa Land (Prohibition and Constitution) Act, 1995. Gist of the allegations against Respondent nos. 6 to 8 and similar residents like them was that they had illegally constructed some temporary houses or had put up some other permanent constructions on sea-beach called 'Baina Beach' which falls within Municipal Ward bearing No.7 and 8 of Katem, Baina, Mormugoa. The Mamlatdar held that all the illegal constructions were raised by those who had migrated from nearby States like Karnataka, Andhra Pradesh, Orissa etc. In other words, they were squatters and had no authority to reside on the beach since no constructions were permitted in that area. The eviction order dated December 31st, 2014 was subject matter under challenge in the Writ Petition noted above on the ground that there was no opportunity of hearing was given to the Respondent No.6 to 8 and other such residents against whom the eviction order was passed by the Mamlatdar. Second ground raised by them was that the residential accommodations were constructed before the enactment of

Goa Land (Prohibition and Constitution) Act, 1995 came into force.

3. By order dated July 17th, 2015 as per speaking to minutes to the judgment, the Writ Petition and Misc. Application No.404/2015 filed that Writ Petition came to be disposed of. The Hon'ble High Court directed that the Mamlatdar may pass suitable order by following principles of natural justice.

4. There is no dispute about the fact that there was no prohibition imposed against the GCZMA to take action under the Coastal Regulation Notification 1991/2011 and it was made clear that such separate action was permissible. It was clarified in the order of Hon'ble High Court dated June 17th, 2015.

5. There is no dispute about the fact that only Respondent Nos.6 to 8 represented before the Hon'ble High Court in the matter on behalf of residents of the locality situated at Baina beach. They claimed to be representatives of the locality. The Hon'ble High Court allowed them to file said Writ Petition in their representative capacity. As such, in such a matter, when a large number of similarly placed persons are involved, representatives may espouse the common cause and everyone is not expected to join the cause and therefore, the Writ Petition was not dismissed for non joinder of the other inhabitants of the same locality.

6. Learned Advocate Mrs F.M. Mesquita makes a statement that the GCZMA served notices on the concerned parties after completing the process of enquiry. She further states that GCZMA has passed demolition order inasmuch as all the constructions were found on midst of Baina beach which is totally prohibited activity under the Coastal Regulation Notification 1991/2011 because the area is “No Development Zone”. She also makes a statement that the demolition order is being executed by the authority and fifteen (15) days time is given to the concerned parties.

7. Having regard to the above intervening development as noted above, we are of the opinion that nothing survives in the Application. The GCZMA may place on record compliance report on or before October 17, 2015.

8. The Application is accordingly disposed of. No costs.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr. Ajay.A. Deshpande)

Ajp.