

**IN THE HIGH COURT OF BOMBAY AT GOA.**

**WRIT PETITION NOS.774 OF 2016,785 OF 2016, 805 OF  
2016, 806 OF 2016, 807 OF 2016.**

**WRIT PETITION NO. 774 OF 2016**

- 1) MRS. ESPERANCE GURJAO,  
aged 83 years, Indian  
National, (deceased)  
Represented her son,  
MR. CONSTANCIO  
RODRIGUES, AGED 57 years,  
Indian National, resident  
of House No.36, Katem,  
Baina, Mormugao-Goa.
- 2) MRS. ROSALINA DE SOUZA,  
aged 54 years, Indian  
National, resident of  
House No. 80, Katem,  
Baina, Mormugao-Goa.
- 3) NACIMENTA SEQUEIRA,  
aged 51 years, Indian  
National, resident of  
House No. 881/GL/92,  
Katem, Baina, Mormugao,  
Goa.
- 4) CONSTANCIO JOAO RODRIGUES,  
aged 57 years, Indian  
National, resident of  
House No.36/1,Katem,  
Baina, Mormugao-Goa.
- 5) LOURDINA GURJAO,  
aged 35 years, Indian  
National, resident of  
House No. 235, Katem,  
Baina, Mormugao-Goa.

- 6) BUDHAVANT BANAULIKAR,  
aged 51 years, Indian  
National, resident of  
House No. 81/GL/29, near  
PWD Sewage Plant, Baina  
Beach, Mormugao-Goa.
- 7) SHERIFAM BI,  
aged 48 years, Indian  
National, resident of  
House No. 8I/250/GL,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 8) MR. XAVIER GURJAO,  
aged 52 years, Indian  
National, resident of  
House No. 8I/GL/77,  
near PWD Sewage Plant,  
Katem, Baina Beach,  
Mormugao-Goa.
- 9) ISMAIL A. KAMPA,  
represented herein by his wife,  
AISHA BI ISMAIL KAMPA,  
aged 58 years, Indian  
National, resident of  
House No. 8I/GL/68,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 10) MOHAMMED H. SHAIKH,  
aged 56 years, Indian  
National, resident of  
House No. 8I/GL/63,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 11) JAFAR POTHAR,  
aged 46 years, Indian  
National, resident of  
House No. 8I/GL/67,  
near PWD Sewage Plant,

Katem, Baina, Mormugao-Goa.

- 12) VASANTI TUKARAM BOLEKAR,  
aged 56 years, Indian  
National, resident of  
House No. 8I/GL/9,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 13) YASEEN HAV,  
aged 31 years, Indian  
National, resident of  
House No. 8I/GL/23,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 14) SHAN V. BOLEKAR,  
aged 33 years, Indian  
National, resident of  
House No. 8I/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 15) SHRI PRAKASH GAWANE,  
aged 62 years, Indian  
National, resident of  
House No. 8I/GL/11,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 16) NEELESH BHASKAR TADADIKAR,  
aged 34 years, Indian  
National, resident of  
House No. 8I/GL/31,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 17) GANGAMMA JANU BANOLKAR,  
aged 65 years, Indian  
National, resident of  
House No. 8I/GL/30,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

- 18) SHRI YAKUB IBRAHIM,  
aged 63 years, Indian  
National, resident of  
House No. 8I/GL/44,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
  
- 19) SHRI SHAIKH AHMED,  
aged 45 years, Indian  
National, resident of  
House No. 8I/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
  
- 20) SHRI SUBRAY KUMTEKAR,  
aged 62 years, Indian  
National, resident of  
House No. 8I/GL/2,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
  
- 21) MR. XEQUE IBRAHIM,  
aged 57 years, Indian  
National, resident of  
House No. 8I/251/GL,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
  
- 22) MR. JOHN B. PEREIRA,  
aged 46 years, Indian  
National, resident of  
House No. MHN 245(1),  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
  
- 23) SHAIKH IBRAHIM HUSSAIN,  
aged 61 years, Indian  
National, resident of  
House No. 8I/GL/76,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

24) CARIDADE PEREIRA,  
aged 58 years, Indian  
National, resident of  
House No. 8I/GL/17,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

25) SHAIKH MOHAMED ISMAIL,  
aged 46 years, Indian  
National, resident of  
House No. 8I/GL/13,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

26) SHAIKH ABDUL KARIM,  
aged 42 years, Indian  
National, resident of  
House No. 8I//172/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

27) SHAIKH ABDUL KARIM,  
aged 42 years, Indian  
National, resident of  
House No. 8I//85/GL/2,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

28) MR. HUSSAIN A. POTKAR,  
aged 67 years, Indian  
National, resident of  
House No. 8I/GL/67,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

29) MR. IRFAN H. POTKAR,  
aged 43 years, Indian  
National, resident of  
House No. 8I/GL/90,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

30) MR. SHAIKH SULEMEN,  
aged 53 years, Indian

National, resident of  
House No. 8I/GL/64,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

- 31) MR. AGUSTO GOES,  
aged 33 years, Indian  
National, resident of  
House No. 8I/GL/20,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 32) MR. GURUNATH M. GHALWADI,  
aged 34 years, Indian  
National, resident of  
House No. 8I/157,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 33) MR. MAYUR MEHTA,  
aged 30 years, Indian  
National, resident of  
House No. 8I/15/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 34) EFFIE FERNANDES,  
aged 43 years, Indian  
National, resident of  
House No. 8I//64/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 35) USHA ULHAS PEDNEKAR,  
aged 48 years, Indian  
National, resident of  
House No. 8I/GL/139,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 36) BADSHAH HUSSAIN POTKAR,  
aged 39 years, Indian  
National, resident of

House No. 137/2,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

37) MR. CHANDRA S. NAIK,  
aged 48 years, Indian  
National, resident of  
House No. 8I/GL/121,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

38) SHRI LAXMAN MESTA,  
aged 52 years, Indian  
National, resident of  
House No. 8I/GL/81,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

39) MR. ABBAS SHAIKH,  
aged 34 years, Indian  
National, resident of  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

40) MR. MARIO FERNANDES,  
aged 48 years, Indian  
National, resident of  
House No. 8I/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

41) MR. RAJESH C. MAJLIKAR,  
aged 42 years, Indian  
National, resident of  
House No. 8I/GL/89,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

42) SHRI RAMESH KRISHNA MEHTA,  
aged 50 years, Indian  
National, resident of  
House No. 8I/GL/15,  
near PWD Sewage Plant,

Katem, Baina, Mormugao-Goa.

- 43) SHOBHA GANESH NAIK,  
aged 55 years, Indian  
National, resident of  
House No. 8I/GL/14,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 44) SHAIKH ABDUL MAJID,  
aged 51 years, Indian  
National, resident of  
House No. 8I/GL/85,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 45) SHAIKH ABDUL MAJID,  
aged 51 years, Indian  
National, resident of  
House No. 8I/GL/172,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 46) SHRI SURESH N. TANDEL,  
aged 45 years, Indian  
National, resident of  
House No. 8I/GL/11,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 47) SHRI SHASHIKANT MAJALIKAR,  
aged 51 years, Indian  
National, resident of  
House No. 8I/GL/88,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 48) SHRI DAMU S. NAIK  
(since deceased), represented  
by LAXMI D. NAIK,  
aged 48 years, Indian  
National, resident of  
House No. 8I/GL/121,  
near PWD Sewage Plant,



Katem, Baina, Mormugao-Goa.

- 49) SHAIKH TAHIR SHAIKH YAKUB,  
aged 34 years, Indian  
National, resident of  
House No. 8I/13/GL/7,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 50) SHAIKH ABDUL HAMID,  
aged 45 years, Indian  
National, resident of  
House No. 8I/172/GL/2,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 51) SHAIKH ABDUL HAMID,  
aged 45 years, Indian  
National, resident of  
House No. 8I/85/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 52) SHAIKH ALI HUSSAIN,  
aged 53 years, Indian  
National, resident of  
House No. 8I/GL/86,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 53) MR. ANTONIO FRANCISCO CABRAL,  
aged 57 years, Indian  
National, resident of  
House No. 8I/GL,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 54) MR. VISHWANATH B. BOTEKAR,  
aged 64 years, Indian  
National, resident of  
House No. 8I/GL/4,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.
- 55) MR. MARIO PEREIRA,

aged 51 years, Indian  
National, resident of  
House No. 8I/GL/176,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

56) SHRI BABU GANPAT TANDEL,  
aged 35 years, Indian  
National, resident of  
House No. 8I/12/GL/1,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

57) NAGA GANPAT TANDEL,  
aged 40 years, Indian  
National, resident of  
House No. 8I/GL/12,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

58) MR. ALEX LANDEZ,  
aged 41 years, Indian  
National, resident of  
House No. 8I/GL/87/A,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

59) SHABIRA ALJI YOUNIS,  
aged 45 years, Indian  
National, resident of  
House No. 8I/285/GL/3,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

60) MR. JOSE FRANCISCO FERNANDES,  
aged 61 years, Indian  
National, resident of  
House No. 8I/GL/MHN/42,  
near PWD Sewage Plant,  
Katem, Baina, Mormugao-Goa.

61) BAINA RAMPONKAR & FISHING  
CANOE OWNERS' SOCIETY,

having Registration No.  
143/GOA/2007, having  
Office at Baina Beach,  
Mormugao-Goa.

..... PETITIONERS.

VERSUS

1) GOA COASTAL ZONE MANAGEMENT  
AUTHORITY, through its  
Member Secretary, having  
Office at Third Floor,  
Dempo Towers, Patto,  
Panaji-Goa-403 001.

2) STATE OF GOA, through its  
Chief Secretary, having  
Office at Secretariat,  
Porvorim, Bardez-Goa.

..... RESPONDENTS.

Shri D. Pangam and Shri P. Sawant Advocates for the  
petitioners.

Ms. A. Razak, Government Advocate for the respondent nos.1  
and 2

**WITH  
WRIT PETITION NO. 785 OF 2016**

1. Mr. Vishram R. Arlekar,  
Major of age  
R/o H.no. 8I/GI/44,  
Baina Beach,  
Vasco Goa.
2. Mr. Lakawa Harijan,  
Major of age  
R/o H.No. 159/11,  
Baina Beach,  
Vasco Goa.
3. Mrs. Kulsumbi Giddanawar,  
Major of age

R/o H.No. 8I/GL/122,  
Baina Beach,  
Vasco Goa.

4. Mr. Shivappa S. Madar,  
Major of age  
R/o H.No. 85/GL/114  
Baina Beach,  
Vasco Goa.
5. Mr. Ramchandra Arlekar,  
Major of age  
R/o H.No. 8I/GI/43,  
Baina Beach,  
Vasco Goa.
6. Mr. Shaikh Rashid,  
Major of age  
R/o H.No. 8I/CL/175,  
Baina Beach,  
Vasco Goa.
7. Mrs. Ramma Chandekar,  
Major of age  
R/o H.No. 8I/GL/3/1,  
Baina Beach,  
Vasco Goa.
8. Mr. Shankarappa Chalbadi,  
Major of age  
R/o H.No. 8I/GL/84,  
Baina Beach,  
Vasco Goa.
9. Mrs. Renuka Harijarn,  
Major of age  
R/o H.No. 8I/GL/75/1,  
Baina Beach,  
Vasco Goa.
10. Mr. Imam H. Shaikh,  
Major of age  
R/o H.No. 18-6,  
Baina Beach,

11. Vasco Goa.  
Mr. Mankavva Harijan,  
Major of age  
R/o H.No. 8I/GL/78,  
Baina Beach,  
Vasco Goa.
12. Mrs. Renuka Mordi,  
Major of age  
R/o H.No. 8I/GL/84(1),  
Baina Beach,  
Vasco Goa.
13. Mr. Sangappa Chalawadi,  
Major of age  
R/o H.No. 8I/129/GL/1,  
Baina Beach,  
Vasco Goa.
14. Mr. Bimappa Madar,  
Major of age  
R/o H.No. 8I/GL/162,  
Baina Beach,  
Vasco Goa.
15. Mrs. Hanumavva B. Chalawdi,  
Major of age  
R/o H.No. 8I/A-199,  
Baina Beach,  
Vasco Goa.
16. Mr. Parshuram Kolkar,  
Major of age  
R/o H.No. 81/GL/166,  
Baina Beach,  
Vasco Goa.
17. Mrs. Sushilawa Harijan,  
Major of age  
R/o H.No. 8I/GL/137,  
Baina Beach,  
Vasco Goa.
18. Mr. Vasudev S. Matonkar,

Major of age  
R/o H.No. 8I/119/GL,  
Baina Beach,  
Vasco Goa.

19. Mrs. Budhava Madar,  
Major of age  
R/o H.No. 2D-03/141-35,  
Baina Beach,  
Vasco Goa.
20. Mr. Suresh Chinnaswami,  
Major of age  
R/o H.No. 8I/GL/87,  
Baina Beach,  
Vasco Goa.
21. Mrs. Hasina Pathan,  
Major of age  
R/o H.No. 167,  
Baina Beach,  
Vasco Goa.
22. Mr. Gulzar N. Davangeri,  
Major of age  
R/o H.No. 168,  
Baina Beach,  
Vasco Goa.
23. Mr. Raghu M. Kolkar,  
Major of age  
R/o H.No. 8I/GL/170,  
Baina Beach,  
Vasco Goa.
24. Durgavvah Harijan,  
Major of age  
R/o H.No. 346,  
Baina Beach,  
Vasco Goa.
25. Mr. Yallappa Harijan,  
Major of age  
R/o H.No. 137-1A,

Baina Beach,  
Vasco Goa.

26. Mr. Ramzan Shaikh,  
Major of age  
R/o H.No. C-31,  
Baina Beach,  
Vasco Goa.
27. Mrs. Perpet Estebeiro,  
Major of age  
R/o H.No. 8I/GL/82,  
Baina Beach,  
Vasco Goa.
28. Mrs. Seema Patil,  
Major of age  
R/o H.No. 8I/GL/256,  
Baina Beach,  
Vasco Goa.
29. Mr. Mehboob Saab Nadaf,  
Major of age  
R/o H.No. 8I/GL/84A,  
Baina Beach,  
Vasco Goa.
30. Mr. Krishnappa Chalwadi  
H.No. 81/CL/124, Nr P.W.D  
Sewerage Plant, Katem Baina  
Vasco-Goa.
31. Rajawa Harijan  
Major of age  
R/o Baina Beach  
Vasco da Gama

.....Petitioners.

V/s

1. Goa Coastal Zone Management  
Authority, Through its Member  
Secretary, 3<sup>rd</sup> Floor, Dempo Tower,  
Patto, Panaji Goa.

2. The State of Goa,  
Through its Chief Secretary,  
Porvorim Goa.
3. The Deputy Collector & S.D.O  
Mormugao Taluka  
Vasco-Goa .....Respondents.

Shri Nigel da Costa Frias, Advocate for the petitioners.  
Ms. A. Razak, Government Advocate for the respondent  
nos.1,2 and 3.

**WITH  
WRIT PETITION NO. 805 OF 2016**

Mr. Francisco Fernandes,  
son of Mr. Caetano Fernandes,  
Aged 66 years, H. No.48/A,  
Katem baina Vasco Da Gama Goa. .... Petitioner.

Versus

1. Goa Coastal Zone Management  
Authority, C/o Department of  
Science, Technology and  
Environment (Govt of Goa)  
3<sup>rd</sup> Floor, Dempo Towers,  
Patto, Panaji-Goa 403 001.
2. State of Goa  
Through the Chief Secretary,  
Secretariat Complex, Porvorim  
Goa.
3. The Collector and District  
Magistrate South Goa,  
Having Office at, Mathany  
Saldanha Complex,  
Margao-Goa.
4. Deputy Collector and S.D.O.  
Mormugao, Having office at  
Collectorate Building, Vasco



Da Gama Goa.

.....Respondents.

Shri G. Agni, Advocate for the petitioner.

Ms. A. Razak, Government Advocate for the respondent nos.1,2,3 and 4.

**WITH  
WRIT PETITION NO. 806 OF 2016.**

Mr. Jose Francisco Fernandes,  
Son of Mr. Caetano Fernandes,  
Aged 71 years, H. No.32/27,  
Katem baina Vasco Da Gama Goa.

..... Petitioner.

Versus

1. Goa Coastal Zone Management Authority, C/o Department of Science, Technology and Environment (Govt of Goa) 3<sup>rd</sup> Floor, Dempo Towers, Patto, Panaji-Goa 403 001.
2. State of Goa Through the Chief Secretary, Secretariat Complex, Porvorim Goa.
3. The Collector and District Magistrate South Goa, Having Office at, Mathany Saldanha Complex, Margao-Goa.
4. Deputy Collector and S.D.O. Mormugao, Having office at Collectorate Building, Vasco Da Gama Goa.

.....Respondents.

Shri G. Agni, Advocate for the petitioner.

Ms. A. Razak, Government Advocate for the respondent nos.1,2,3 and 4.

**WITH  
WRIT PETITION NO. 807 OF 2016.**

Mr. Augusto Jeronimo Fernandes,  
son of Mr. Jeronimo Fernandes,  
Aged 56 years, H. No.25,  
Katem baina Vasco Da Gama Goa.                     ..... Petitioner.

Versus

1. Goa Coastal Zone Management Authority, C/o Department of Science, Technology and Environment (Govt of Goa) 3<sup>rd</sup> Floor, Dempo Towers, Patto, Panaji-Goa 403 001.
2. State of Goa Through the Chief Secretary, Secretariat Complex, Porvorim Goa.
3. The Collector and District Magistrate South Goa, Having Office at, Mathany Saldanha Complex, Margao-Goa.
4. Deputy Collector and S.D.O. Mormugao, Having office at Collectorate Building, Vasco Da Gama Goa.                     .....Respondents.

Shri G. Agni, Advocate for the petitioner.  
Ms. A. Razak, Government Advocate for the respondent nos.1,2,3 and 4.

**Coram:-F. M. REIS,  
NUTAN D. SARDESSAI,JJ.**

**Date:27<sup>th</sup> September, 2016.**

**ORAL JUDGMENT ( Per F. M. REIS, J)**

At the request of the learned Counsel appearing for the petitioner and the respondents all the above writ petitions are taken up together for final disposal as it was accepted by the respective counsels that the issues and points involved in all the subject petitions are similar. Hence Rule.

2. Heard forthwith the consent of the learned counsel appearing for the respective parties. The learned Counsel appearing for the respondents waive notice.

3. The only aspect we are inclined to examine is whether the impugned order passed by the respondent no.1 is in gross violation of the principle of natural justice as it was not disputed that the petitioners were not given an opportunity of being heard before passing the impugned order. Accordingly, the parties were given liberty to examine whether such hearing could be given to the petitioners before taking a decision with regard to the rival contention.

4. When the matter was taken up today for fair and

speedy disposal of the matter considering the number of the petitions. It was also agreed between the parties that the petitioners in all the petition would be segregated in different groups in order that proceedings before the respondent no.1 could be taken up together. As such, the learned Counsel appearing for the petitioners in all the above petitions and the learned Advocate General alongwith learned Government Advocate appearing in the Court have pointed out that in the meanwhile the parties have resolved to give liberty of hearing to the petitioners before taking a decision with regard to the subject structures and consequently filed a Minutes of Order signed by the concerned Advocates. The Minutes of Order are accepted and marked "X" for identification.

5. In view of the above, we pass the following:-

**ORDER**

- (i) The impugned orders passed by the respondent no.1 dated 21.7.2016 are quashed and set aside. The above petitions stand disposed off in terms of the Minutes of Order marked "X" for identification.
- (ii) Needles to say that the petitioners, if so desire

are at liberty to file additional documents on the first date of hearing.

- (iii) In case any adverse order is passed against the petitioners, the respondents shall not act upon such order for a period of two weeks.
- (iv) Rule is made absolute in the above terms.

**NUTAN D. SARDESSAI J.**

**F. M. REIS, J.**

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