

ITEM NO.801

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 28426/2022

(Arising out of impugned final judgment and order dated 06-09-2022
in ANO. No. 48/2016 passed by the National Green Tribunal)

LINET NUNES

Petitioner(s)

VERSUS

GOA COASTAL ZONE MANAGEMENT AUTHORITY & ORS.

Respondent(s)

Date : 09-09-2022 This petition was Mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Ninad Laud, Adv.
Mr. Ivo D'costa, Adv.
Mr. Karan Mathur, Adv.
Mr. Aditya Pratap Swain, Adv.
Mr. Avinash Mathews, Adv.
Mr. Gajendra Singh Negi, Adv.
Mr. Abhishek Pandey, Adv.
Mr. Sahil Tagotra, AOR

For Respondent(s) Mr. Abhay Anil Anturkar, Adv

UPON hearing the counsel the Court made the following
O R D E R

This matter is mentioned for urgent listing.
Considering the fact that the impugned order was
passed on 06.09.2022 and the fact that the
demolition has been going on, we have taken this
matter on Board and heard learned counsel.

Mr. Huzefa Ahmadi, learned senior Advocate

for the appellant, has invited our attention to certain documents to submit that the structure in Survey No.42/10 was in existence prior to the year 1991. He has further submitted that his client stands by the statement recorded by the National Green Tribunal in paragraph 8 of its Order to the effect that only Survey No.42/10 belongs to the appellant and other structures do not belong to him.

Issue notice, returnable on 16th September, 2022.

Mr. Abhay Anil Anturkar, learned Advocate, has accepted notice on behalf of Goa Coastal Zone Management Authority.

Other respondents be served dasti.

Pending notice, we direct as under :

- (a) Consistent with the statement made by the learned senior Advocate on behalf of the appellant, structures in existence in lands other than Survey No.42/10, are not covered by the width of this Order. Resultantly, if there be any unauthorized construction in lands other than Survey No.42/10, the demolition can certainly go on.

- (b) There shall be stay of demolition with respect to structures standing on Survey No.42/10 subject to the appellant not undertaking any commercial activity in or with respect to said structure.
- (c) Mr. Anturkar, learned Advocate, shall file response on behalf of the concerned respondents on or before 14th September, 2022, enclosing all the reports in connection with the matter as well as the pictures and plans.

A copy of this Order shall immediately be communicated to the concerned respondents.

In any case, Mr. Anturkar, learned Advocate, has undertaken that he shall immediately communicate the text of the order to the concerned respondent(s). According to Mr. Anturkar, learned Advocate, he has already sent an appropriate message to the Member Secretary, Coastal Zone Management Authority.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER