

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

**PUBLIC INTEREST LITIGATION (SUO MOTU) NO. 1 OF 2010**

.  
Versus  
1. STATE OF GOA, THROUGH CHIEF  
SECRETARY AND 4 ORS.,  
... Appellant  
... Respondents

Ms. Norma Alvares, Amicus Curiae.  
Mr. S.S. Kantak, Advocate General with Mr. P. Talaulikar,  
Additional Government Advocate for the Respondents.

Coram:- A. S. OKA &  
F. M. REIS, JJ.

Date:- 21st June, 2010

P.C:

We have heard the Learned Amicus Curiae as well as the Learned Advocate General.

2. Our attention is invited to communication dated 26/04/2010 issued by the Goa Coastal Zone Management Authority. This is a suo motu Public interest litigation based on a letter received from an Advocate practicing in this Court. By the said letter of the Advocate the attention of this Court was drawn to the article dated 23rd April, 2010 published in the Times City about a proposed bypass which would affect an eco-sensitive area inter alia harming turtles in Galgibag beach areas.

3. Paragraphs 3 to 5 of communication dated 26/04/2010 issued by the Goa Coastal Zone Management Authority read thus:

"3. As such, you are hereby directed to stop any further construction of road in question and take measures to restore the area back to its original condition by removing the earth filling done.

4. Further, by committing the aforesaid violation of the provisions of CRZ Notification, 1991, the Public Works Department

and its Head of Department are liable for action under section 17 and section 15 of the Environment (Protection) Act, 1986. You are therefore, directed to show cause as to why GCZMA should not initiate appropriate action and issue orders under section 5 under Environment (Protection) Act, 1986, in this case against the PWD. Your reply should reach this office on or before 17th May, 2010 along with documentary evidence,if any, to support your reply.

5. The directions contained above regarding restoration of the area concerned should be complied and action initiated by 7/05/2010 and an action taken report filed to this Office for verification."

4. By the said communication, further construction of the road has been stopped and a direction has been issued to the Principal Chief Engineer to restore the area back to its original condition by removing the earth filling done. A show cause notice has been issued on the basis of violation of the provisions of CRZ Notification of the year 1991,and it is stated that action is proposed to be initiated under section 17 and section 15 of the Environment (Protection) Act, 1986. Explanation of the Principal Chief Engineer, Public Works Department has been called for.

5. As action has been taken by the Goa Coastal Zone Management Authority, we need not keep this petition pending. We therefore dispose of the petition by passing issuing the following directions:

a) Necessary steps shall to be taken expeditiously by the P.W.D for restoration of the relevant area back to its original condition as directed by the Coastal Zone Management Authority.

b) The directions given in communication dated 26/04/2010 be complied with expeditiously.

c) The authorities who are supposed to take action on the basis of communication dated 26/04/2010 shall act expeditiously in terms of the said communication.

d) Though we dispose the petition,we direct that a compliance report shall be filed by the Goa Coastal Zone Management Authority

as well as by the Chief Engineer, PWD on or before 31st October, 2010.

e) The petition shall be placed before the appropriate bench for considering the compliance report on 16th November,2010.

f) Copies of the compliance reports be supplied to the Learned Advocate who has been appointed Amicus Curiae.

A. S. OKA, J.

F. M. REIS, J.

ap/-