

PIL WP 29/2011

**Judgement dated 19-3-2012**

*The Goa Foundation v/s Goa Coastal Zone Management Authority & ors.*

The Bombay High Court at Goa has recently, on 19<sup>th</sup> March 2012, disposed of a public interest litigation (PIL WP 29/2011) filed by the Goa Foundation, challenging the Policy for Construction of Hotels / Beach Resorts in the CRZ III zone. The policy was framed in June 2011, pursuant to directions issued by the High Court in 2006, while disposing of an earlier PIL, also filed by the Goa Foundation, alleging large scale violation of the Coastal Regulation Zone Notification, 1991.

In the present judgement, the High Court has observed that although the Policy, which includes detailed guidelines for considering project proposals for hotels/beach resorts in CRZ III areas, has been notified, the exercise that was directed in its earlier judgment and the steps required to be taken by the CRZ Notification 2011 have not yet been completed.

The Goa Coastal Zone Management Authority had filed an affidavit admitting that as per the provisions of CRZ Notification, 2011, the State Government has to identify and map sand dunes, mangroves, khazan lands and prepare management plans for turtle nesting sites at Mandrem, Morjim, Galgibag and Agonda. It informed the Court that the Government was awaiting a detailed project proposal from M/s. RSI, Hyderabad for identification and mapping of areas of sand dunes, khazan lands and mangroves along Goa coast, plus mapping of estuaries and riverine areas. The Government intends to consider the proposal and make adequate fund provision so that the project is completed within 9 months. Only thereafter would the exercise be completed.

The Govt also submitted that there are various checks and balances in the Policy, including assessment and appraisal by expert bodies and detailed site inspection to examine eco sensitive areas, cultivable areas, number of dwelling units in vicinity, infrastructural and sanitation facilities and customary use by traditional communities before a hotel project is considered for approval.

The Court accepted the statements made in the affidavit of Shri Michael D'Souza, Member Secretary, GCZMA, as Undertakings given by the Government to the Court. It stated: "Once we and find that they (the authorities) indicate that detailed site inspection and verification as required in the hotel policy, is yet not carried out and that exercise has been completed only for a particular period, then, there is no question of any proposal or project being approved and permitted unless these steps and measures as stated and recorded above have been undertaken and completed".

In these circumstances, the Court declined to examine the issues raised in the petition on merits but disposed of the petition holding it to be premature at this stage when all requisite measures steps have yet to be undertaken, leave alone completed. It granted liberty to the Goa Foundation to approach the Court after all the steps and measures as stated and undertaken in the GCZMA's affidavit are put in place.