

IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 3388 OF 2019

with

WRIT PETITION NO. 826 OF 2019

STAMP NUMBER MAIN NO. 3388 OF 2019

STATE OF GOA, THR. THE DIRECTOR,
DEPT. OF TOURISM AND ANR.,

... Petitioners

Versus

MEHDAD AND 3 ORS.,

... Respondents

Mr. Devidas J. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for the Petitioners.

Mr. Manish Salkar, Government Advocate for Respondent No. 4.

with

WRIT PETITION NO. 826 OF 2019

SHACK OWNERS WELFARE SOCIETY GOA,
THR. ITS PRESIDENT, CRUZ VICTORINO
CARDOZO AND 5 ORS.,

... Petitioners

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Mr. S. S. Katak, Senior Advocate with Mr. Preetam Talaulikar,
Advocate for the Petitioners.

Mr. Devidas J. Pangam, Advocate General alongwith Ms. Maria
Simone Judith Correia, Additional Government Advocate for
Respondent No. 1.

Mr. Manish Salkar, Advocate for Respondent No. 3.

**Coram : PRADEEP NANDRAJOG, CJ.,
M. S. SONAK, J.**

Date : 7th October, 2019.

P.C.

Challenge in the two Petitions is to the interim order dated 13.09.2019 passed by the Principal Bench of the National Green Tribunal in Miscellaneous Application No. 205/2019 in Original Application No. 424/2016. The Application was filed by the State of Goa seeking extension of time to finalise the Coastal Zone Management Plan envisaged by the CRZ notification issued in the year 2011.

2. The Tribunal noted that in the absence of Coastal Zone Management Plan, unregulated development activity was resulting in damage to the environment, reluctantly extended the time for the Coastal Zone Management Plan to be prepared by the Goa Coastal Zone Management Authority, the Tribunal restrained the implementation of the Shack Policy.

3. The Shack Policy for the year 2019-2022 permits 259 shacks in North Goa and 105 shacks in South Goa on the beaches to be erected. The number of shacks are spread over the beaches and at

the stretches noted in the Policy. The Shack Policy envisages temporary beach shacks to be erected using eco-friendly material such as wooden poles, bamboos, palm leaves, palm mats, etc. Use of concrete material is absolutely banned. Grouting, plastering, laying of PCC/RCC, digging of soak pits, etc. is prohibited.

4. In the State of Goa, since long on the beaches, shacks have existed for decades and there is no evidence of adverse impact on the environment on account of the erection of the shacks for a temporary duration. The shacks are fabricated using eco-friendly, perishable material such as wood, bamboo and palm leaves. We note that the CRD-2011 specifically deals with CRZ for Goa and permits temporary and seasonal structures to be erected on the beaches and to be removed and dismantled after May each year.

5. The tourist season having commenced in the State of Goa and keeping in view the fact that large employment is generated under the Shack Policy, we dispose of the Petitions staying the operation of the impugned order dated 13.09.2019 passed by the National Green Tribunal pertaining to the State of Goa. We permit the State Government to implement the Shack Policy for the year 2019-2022. We would request the Goa Coastal Zone Management Authority to finalise the Coastal Zone Management Plan for the State of Goa as expeditiously as possible and preferably by the date notified

by the Tribunal in the impugned order; operation whereof we have stayed in the State of Goa.

M. S. SONAK, J.

CHIEF JUSTICE

msr.