

Writ Petition No. 385/1996

*The Goa Foundation; Mrs. Vitoria Martins; Mrs. Ritin Pires;
Mrs. Ana Maria Almeida; Mrs. Mariani Nunes*

V/s

Dolphin Adventure Sports Ltd.; Government of Goa; North Goa Planning & Development Authority; Town and Country Planning Board; The Deputy Collector; The Mamlatdar; The Conservator of Forests; The Panaji Municipal Council; Goa State Committee on Coastal Environment

Issue: In 1994 Dolphin Adventure Sports Ltd. purchased land at Hawaii Beach at Dona Paula in Tiswadi Taluka and began constructing a Water Sports Centre. This land was demarcated as CRZ-III as per the CRZ Notification, and was along the river front 100-meter no-development zone. Therefore no new construction was permitted in this area. Additionally, Dolphin Adventure Sports Ltd. could not claim a residential right, a traditional right, nor customary usage for the construction. The Goa Foundation alleged this construction was in blatant violation of the CRZ Notification.

However, the Planning Authority, the Goa State Committee on Coastal Environment and the village Panchayat all approved the project. The Goa Foundation and four residents of the area alleged that the approvals for construction were illegal. (WP No 349/96, filed by another resident of the locality, was heard together with the Goa Foundation petition).

When the matter came for admission the authorities informed the Court that they had stopped the work and the GSCCE had asked for certain clarifications from Dolphin Adventures which had yet to be supplied. Hence the Court decided not to entertain the petition since the authorities were seized of the matter

Judgment: 21/7/1997

As the matter is seized by the Panaji Planning Development Authority and the GSCCE we do not wish to entertain the grievance of the petitioners at this stage. The petitioners may file proper objections before the said two authorities and we hope the authorities will hear them. Upon reviewing Dolphin Adventure Sports Ltd.'s fresh application for construction made on 19/11/1996, the Panaji Planning and Development Authority, and the Goa State Committee for Coastal Environment will dispose of this matter within reasonable time. Dolphin Adventures gave and undertaking not to undertake any fresh construction and to maintain status quo unless fresh permission is given by the Panjim Planning and Development Authority. The petition was accordingly disposed of.