**Writ Petition No. 24/1992**

*The Goa Foundation*

*V/s*

*Fomento Resorts & Hotels Ltd.;*
*M/s. Sociedade e Fomento Industries Pvt. Ltd.*
*The North Goa Planning & Development Authority;*
*State of Goa; Panjim Municipal Council;*
*Town and Country Planning Board;*
*Goa State Committee on Costal Environment*

**Issue:** The hotel "Cidade de Goa" owned by Fomento Resorts is located on Plot No. 787 (246/1), near Vainguinim beach in Taleigao village, Goa, which is CRZ-III as per the Coastal Regulation Zone Notification, 1991. Fomento was granted permission for additional construction to the existing building in 1988 and put up three additional floors on the existing building. Fomento deviated from the plans by constructing an extension that went into an adjacent plot on which no construction was permitted. When the CRZ came into force Fomento sought regularization of the extension and additional floors. The additional floors had not yet been constructed. The Planning Authority regularized the deviation from the originally approved extension. The Goa Foundation challenged the permission/regularization for the deviation, as it was in violation of CRZ Notification because no construction can occur within the 100-metere no-development zone, and sought a restraining order on the additional floors.

Fomento Resorts gave an undertaking to the court that it would not make any new construction, including additional floors, during the pendency of the petition. By the time the petition was taken for final hearing the categorization as CRZ III had been revised to CRZ II, which permits construction behind the existing structures as per local laws.

**Interim Order: 22/1/1992**

Respondent Nos. 1 and 2 are prohibited from carrying out any construction above the third floor and no new structure or constructions shall be carried out on the open place or on the terrace of the existing structure, except the shaft of the lifts, which is permitted under the rules and regulations.

**Final Judgment: 5/6/2006**

During the pendency of the petition the area in which the Cidade de Goa Resort is located has been reclassified to CRZ-II from CRZ-III. Any new construction proposed on the landward side of existing authorized structures can be permitted in accordance with the prevailing (local) Town and Country Planning Regulations. Any proposal for construction that is permissible in a CRZ-II should be submitted for prior approval from the Goa Coastal Zone Management Authority. In case such an application is submitted it will be considered in

accordance with law. The Fomento Resorts was exonerated from the undertaking not to make new construction provided it obtained prior approval for undertaking new construction from the Goa Coastal Zone Management Authority. The Writ Petition is disposed of. Rule is made absolute in the aforesaid terms.