Writ Petition No. 265/1999

The Goa Foundation
V/s
Ramesh Hotels and Resorts Pvt. Ltd.;
The Panchayat of Majorda-Utorda;
The State of Goa; The Chief Town Planner;
Minister for Revenue

Issue: Ramesh Hotels and Resorts Pvt. Ltd. reconstructed a residential house on Survey No. 41/1 and Survey No. 41/2 in Utorda village within the 200-metre no-development zone and used it as a guesthouse. The Costal Regulation Zone-III (CRZ-III) orders, "The area up to 200 meters from the High Tide Line (H.T.L.) is to be earmarked as 'No Development Zone' provided that such area does not fall within any notified port limits or any notified Special Economic Zone. No construction shall be permitted within this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities." Ramesh Hotels and Resorts Pvt. Ltd. went beyond the plinth of the old structure (later determined by The High Court of Bombay at Goa to have had a plinth area of 245 square meters on the ground floor) by reconstructing 300 square meters residence.

Final Judgment: 08/08/2008

Any portion of the construction on Survey No. 41/1 and Survey No. 41/2 in excess of the approved area to be utilized of 224 square meters is to be removed or demolished by Ramesh Hotels and Resorts Pvt. Ltd. at its own expense within a period of four months from 08/08/2008. If this demolition does not occur within four months of 08/08/2008 the authorities concerned will be, without any further intimation or notice, authorized to demolition and remove the excess. Additionally, the structure in question will only be used as a private residence. The use of the structure on Survey No. 41/1 and Survey No. 41/2 for commercial activity, including operating a guesthouse, will not be permitted without prior statutory permission and approval.