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**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.2324 OF 2021 (F)**

SUJAY D. GOKARNKAR ... Petitioner.

*Versus*

STATE OF GOA, THR. ITS  
CHIEF SECRETARY AND ANR. ... Respondents.

Mr. Shivan Desai with Mr. Varun Bhandanker, Advocates *for the Petitioner.*

Mr. D. Pangam Advocate General with Ms. Maria Correia, Additional Government Advocate *for the Respondent-State.*

**Coram: MANISH PITALE, J.**

**Date: 3<sup>rd</sup> November 2021.**

**ORAL ORDER:**

1. This petition was mentioned by the learned Counsel appearing for the Petitioner Mr. Shivan Desai at 10:30 a.m. projecting extreme urgency in the matter. It is submitted that the Petitioner apprehends demolition of the shack being operated at the Arambol Beach Stretch. It is submitted that although no show cause notice was yet received, there were sufficient grounds for the Petitioner to apprehend such demolition of the shack.

2. Considering the urgency projected on behalf of the Petitioner, the petition was directed to be listed at the end of the admission board for today.

3. When the petition is called out for hearing, Mr. Desai, learned Counsel appearing for the Petitioner submits that specific statements have been made in paragraphs 15, 16 and 23, to bring to the notice of this Court that there is a real possibility of the shack being operated at Arambol Beach Stretch by the Petitioner, being demolished without even issuing a show cause notice by the Respondent authority.

4. Mr. Pangam, learned Advocate General has appeared on instructions in the present petition and he submits that there is sufficient material with the Respondent authority, which indicates that the Petitioner is operating the shack from a location not allotted to the Petitioner. An inspection report is sought to be relied upon.

5. Be that as it may, the present petition can be disposed of in terms of prayer clause (a) whereby the Petitioner only seeks restraining the Respondent No.2 from taking any coercive action in respect of the shack being operated by the Petitioner at the Arambol Beach Stretch, without following the due process of law. There can be no quarrel with the proposition that if adverse action is to be undertaken, the Respondent would definitely follow due process of law, including issuance of show cause notice and thereafter affording an opportunity of hearing to the Petitioner.

6. In view of the above, the Writ Petition is disposed of in terms of prayer clause (a) by directing the Respondent authority to follow the

principles of natural justice and to issue show cause notice to the Petitioner before taking any action in respect of the shack being operated by the Petitioner at the Arambol Beach Stretch. It is made clear that this Court has not expressed any opinion on the merits of the matter or the claims made by the rival parties.

**MANISH PITALE, J.**