



Niti

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WP NO.1025 OF 2025 (F)

ADITYA DATTU RAUT DESSAI

... PETITIONER

Versus

**THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 8 ORS**

... RESPONDENTS

Mr Nigel Da Costa Frias with Mr Vineet Surlekar and Ms Laxmi Sawant, Advocates for the Petitioner.

Ms Sapna Mordekar, Additional Government Advocate for Respondents No.1, 3, 4 and 7.

Mr Gaurish Agni with Mr Yash Naik, Advocate for Respondent No.6.

Mr K.G. Dessai, Advocate for Respondent No.9.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED :- 6th October, 2025

P.C.:

The PIL petition involves an archaeological site of Shri Chandreshwar Bhootnath Parvat located in Survey No.85/6 of Village Paroda of Quepem Taluka. The PIL petitioner is a Mahajan, who has expressed his concern over the activity that is carried out at the temple under the guise of its upgradation and beautification and apart from giving the historical background and with reference to the said monument being declared as an ancient monument under the Act of 1978, it is a claim in the petition that the activity involved cutting of

hill for the purpose of constructing a retaining wall.

Mr Frias, the learned counsel for the petitioner would rely upon the pleadings in the petition along with the photographs annexed and, according to him, the damage caused by blasting of the hillock has resulted into cracks being developed, endangering the temple and its periphery.

2. Mr Agni, representing respondent no.6, who had floated the tender and allotted the work to the private party, would submit that the work has already been completed and carried out long back in 2021 and the premises were handed over to the Devasthan.

In any case, if a particular site is declared as an protected monument it is not only the duty of the Department of Archeological Survey but also the Devasthan as well as all concerned, as in the wake of Article 49 of the Constitution of India, which is a Directive Principle of State Policy that requires the State to protect every monument or place or object of artistic or historic interest, of national importance from spoliation, disfigurement, destruction, removal, etc. and therefore the functionaries of the State must look into it along with the Director of Archives and Archaeology.

At the outset, it is therefore necessary to have a review of the current situation prevailing on the site and for this purpose we deem it appropriate to have a joint inspection of the site being conducted in the presence of the petitioner as well as the Officials of the GTDC along with the Director, Directorate of Archives and Archaeology,

Government of Goa and even the Official members of the Devasthan and we expect a fact finding report to be placed before us along with necessary photographs so that a further line of action and to what extent damage has been caused and what steps can be taken for the restoration of the monument shall be decided.

We direct such an inspection to be conducted on 15th and 16th October 2025 with the Officers mentioned by us in the order. We direct the Devasthan to issue notice to its Official members of the Devasthan to secure their presence during such inspection being carried out. Upon the inspection being carried out, let the report be presented before this Court within a period of two weeks.

List the petition on 10.11.2025.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.