

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 6442 OF 2001

STATE OF GOA & ORS.

Appellant (s)

VERSUS

GOA FOUNDATION & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 17/02/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr.M.N. Krishnamani,Sr.Adv.  
Ms. Sunita B. Rao,Adv.  
Mr.A. Venayagan Balan,Adv.  
Mr. Prashant Kumar,Adv.  
Mr. Bhavanishankar V. Gadnis,Adv.

For Intervenor Mr. Mukul Rahotgi,Sr.Adv.  
Mr. Abhumanu Mahajan,Adv.  
Mrs. Shally Bhasin Maheshwari,Adv.  
Mr. Rishi Maheshwari,Adv.

For Respondent(s) Mr. Ashok Bhan,Adv.  
Ms. Savitri Pandey,Adv.  
Mr. B.V. Balaram Das ,Adv

Mr. Sanjay Parikh,Adv.  
Mr. Jitin Sahni,Adv.  
Ms. Mamta Saxena,Adv.  
Mr. A.N. Singh,Adv.  
Mr.A.Sail, Adv.

UPON hearing counsel the Court made the following  
ORDER

The Civil Appeal is disposed of in terms of the  
signed order.

(Arvind)  
Sr.PA  
(Signed order is placed on the file.)

(Neeru Bala Vij)  
Court Master

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 6442/2001

STATE OF GOA & ORS.

..APPELLANTS

VERSUS

GOA FOUNDATION & ORS.

..RESPONDENTS

ORDER

We have heard learned counsel for the parties in the light of the Affidavit of Dr. N.P.S. Varde, Director, Department of Science, Technology & Environment, Goa in which it has been deposed that the High Tide Line (HTL) has since been demarcated by an order dated 29th December, 1998 as per the CRZ Notification 1991 as amended in 1994. In this view of the matter we find nothing survives as to the dispute relating to demarcation. Mr. Rohtagi, the Ld. Counsel appearing for the intervenor has however pointed out that the Hotel which he represents was built a long time ago and the High Court itself in its impugned order dated 3rd/4th July, 2000 has observed as under:

Para 11 : "Shri I. Chagla, learned Senior Counsel on behalf of Intervenor No.2 sought to address us in the matter. As the decision did not involve the right of any specific Hotel, it was pointed out that what is being decided in a general issue and not the right of any particular Hotel. In the light of that, he has chosen not to address the Court on that matter,"  
..2..

:2:

and the rights of the Hotel thus needed to be protected. In the light of the Affidavit, and the observations of the High Court that the impugned judgment did not involve a decision of any right of a specific Hotel, we give liberty to the Intervenor to challenge any action which may be taken against it in future. With these observations we confirm the impugned judgment of the High Court.

The Civil Appeal is disposed of accordingly.

.....J  
(HARJIT SINGH BEDI)

.....J  
(H.L. DATTU)