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Supreme Court issues notice to Fomento Resorts on Goa Foundation's contempt petition

The Supreme Court today issued notice to Ms. Anju Timblo, Director & MD of Fomento Resorts & Hotels (Owners of Cidade-de-Goa), Shri J.P. Singh, former Chief Secretary and Shri Sanjay Kumar Shrivastav, present Chief Secretary, on a contempt petition filed by the Goa Foundation for gross and willful disregard of the directions given by the Hon'ble Supreme Court in its judgment dated 20th January , 2009.

It may be recalled that in the said judgment the Apex Court had allowed Fomento Resorts three months time to demolish 1000 sq.mts. of its hotel building at Bainguinim beach. However, the petitioners visited the hotel on 19th April, 2009 and found that the illegally extended portion of the hotel was still very much intact.

The petitioners wrote to the Registrar of the Bombay High Court thereafter asking for a compliance report filed by The Planning & Development Authority in relation to the demolition. The Registrar replied that no such report had been filed with the High Court.

The Goa Foundation petitioned the Supreme Court on the ground that the willful disregard of the court's writ and demolition order had caused alarm and outrage in the entire State of Goa. The contempt petition noted that the public anger had expressed indignation that writs of the Supreme Court of India could be undone at the instance of powerful people in such summary fashion. The petition pleaded that if the Court allowed such defiant and scandalous conduct to pass without commensurate reprimand, faith of the petitioner and of law abiding citizens in the Supreme Court would be rudely shaken. The petition also stated that the public are shocked and angered that the Chief Minister of the State and the Respondent Hotel could so conspire to defeat the Court's directions in such a brazen manner.

The Goa Foundation's petition challenging the legality of the Land Acquisition Ordinance 2009 and the Land Acquisition Act 2009 is pending hearing in the Apex Court. In the meanwhile, the Supreme Court has already directed via an interim order that the construction sought to be regularized by the Ordinance would not be regularized till the Goa Foundation challenge was heard by the Apex Court .

(Dr Claude Alvares)
Director