



**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.314 OF 2026
AND
CRIMINAL MISCELLANEOUS APPLICATION NO.867 OF 2026
AND
CRIMINAL MISCELLANEOUS APPLICATION NO.875 OF 2026
IN
CRIMINAL WRIT PETITION NO.314 OF 2026**

DHYAN FOUNDATION THR. ITS COORDINATOR
VERSUS
THE STATE OF GOA THR. ITS CHIEF SECRETARY AND 9 ORS.

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Mr. Harish Pandya with Mr. Harshavardhan Verma, Advocate for Petitioner.

Mr. Pravin Faldessai, Additional Government Advocate for Respondent Nos.1 to 7.

Mr. Siddharth Nunes, Advocate for Respondent Nos.8 and 9.

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CORAM: S. G. CHAPALGAONKAR, J.

RESERVED ON :24th AUGUST, 2026.

PRONOUNCED ON :28th AUGUST, 2026.

FINAL ORDER:-

1. The present Writ Petition takes exception to order no.DYC/QPM/MISC/2026/1572 dated 24.07.2026 passed by respondent no.2 Deputy Collector and Sub Divisional Magistrate, Quepem, under Section 163 of Bharatiya Nagarik Surksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023"). The petitioner further seeks direction to appoint neutral Court Commissioner or Monitoring Committee to inspect Goshala to report on condition of cattle and supervise physical inventory of cattle at the site.

2. The petitioner is registered Trust. With formal no objection of Shri. Satish Hegde, Attorney of Shree Ramnath Damodar Sansthan Committee, Zambaulim, petitioner had constructed cattle shed in Survey No.102/I, village Deusa for operating Goshala. According to petitioner, on 22.07.2026 mob of about 150 persons trespassed into Goshala and dismantled shed. The Mamlatdar made report to Deputy Collector and Sub Divisional Magistrate/respondent no.2 about dismantling of shed labeling same to be illegal.

3. On 24.07.2026, respondent no.2 passed *ex-parte* impugned order under Section 163 of BNSS, 2023 directing petitioner to remove all cattle from site within period of twelve hours to alternate facility center after obtaining certification from Veterinary Officer regarding fitness of cattle for transportation. In alternate, Directorate of Animal Husbandry and Veterinary Services was instructed to undertake rescue transportation and relocation of cattle to the recognized Goshalas at the risk of petitioner. The Mamlatdar was directed to supervise implementation of order. The order is purportedly issued as an urgent preventive measure to remove imminent danger to public safety, public health and animal welfare without prejudice to right, title, interest or possession in respect of Survey No.102/I and criminal proceedings initiated by respective parties.

4. The present Writ Petition was taken up for hearing by this Court on 29.07.2026. After hearing learned Advocate appearing for petitioner and Additional Public Prosecutor for respondent-State, this Court had directed petitioner to submit alternate plan to take care of the situation, (as petitioner had no proper shed at current location) and provide all possible assistance to State Machinery to shift all cattle from disputed site to Government authorized Goshala. On 30.07.2026, it was submitted on behalf of petitioner that petitioner's priority is to shift cattle to State Government authorized Goshala. However, shifting cannot be done immediately and likely to take approximately four weeks time. Accordingly, this Court had issued directions to Deputy Collector to assess situation on the ground and shift cattle under supervision of Veterinary Officer. The petitioner was directed to provide necessary assistance to Government Machinery, so as to smoothly effect shifting of cattle. The Deputy Collector was directed to submit report to this Court.

5. Eventually, a report dated 03.08.2026 is filed by Deputy Collector stating that 108 cattle have been shifted with care and under supervision of Veterinary Officer and Veterinary workers. The particulars of animals, date of shifting and place, where cattle are shifted are mentioned in report. The communications in this regard are given to petitioner, Forest Officer and Municipal Council of Quepem.

5. At this stage, learned Advocate appearing for petitioner submitted that impugned order was passed exceeding jurisdiction vested under Section 163 of BNSS, 2023. The petitioner was not given copy of report, which was made foundation for high-handed action directing petitioner to comply herculean task of removing cattle from disputed site within short window of twelve hours. The petitioner is not provided opportunity of inspection of animals, which are shifted at various places. No consideration was given to petitioner's representations dated 26.07.2026 and 28.07.2026.

6. The learned Additional Public Prosecutor would submit that State Authorities have provided best possible support in interest of safety of cattle and executed directions given by this Court. The petitioner is making unfounded allegations against State Machinery, who discharged its obligation and functions in tune with provisions of law. He fairly concedes to grant inspection of cattle to petitioner and also to consider petitioner's representation for return of cattle shifted under orders of this Court, if petitioner provides appropriate housing facility.

7. In light of submissions advanced by learned Advocates appearing for respective parties and development that took place during pendency of present petition, this Court finds that challenge to impugned order no more survives, however, it would be appropriate, if petitioner is provided with copy of report dated 22.07.2026 made by Mamlatdar of

Quepem on which Deputy Collector acted upon while passing order impugned in this petition. Similarly, petitioner can be given inspection of cattle shifted at other facilities under orders of this Court. After having inspection of cattle and receipt of copy of report dated 22.07.2026, petitioner shall be at liberty to make fresh representation to respondent no.2 for appropriate action in accordance with law. In case such representation is made, respondent no.2 shall consider same within period of four weeks thereafter and communicate his decision to petitioner. Till such decision is taken, respondent no.2 shall ensure that cattle are safely housed at the places mentioned in report dated 03.08.2026 submitted to this Court.

8. With aforesaid directions, Writ Petition stands disposed of.

9. In view of disposal of Criminal Writ Petition, present applications also stand disposed of.

(S. G. CHAPALGAONKAR)
JUDGE