

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 180 OF 2015

CONFRARIA DA IGREJA DE NOSSA
SENHORA DE GRACA MADEL-CHORAO REP.
BY ITS PRESIDENT MR. F.S. D'MELLO

... Petitioners

Versus

MR. ADOLFO GOMES AND 16 ORS.,

... Respondents

Shri F.E. Noronha, Advocate for the Petitioner.
Shri S.D. Lotlikar, Senior Advocate with Ms. G. Xettigar, Advocate
for Respondent No.17.
Ms. Sapna Mordekar, Additional Government Advocate for
Respondents No.18 & 19.

Coram:- C. V. BHADANG, J.

Date:- 23rd September, 2015

P.C.:

Heard Shri Noronha, the learned counsel for the petitioner and
Shri S.D. Lotlikar, the learned counsel appearing for respondent
no.17, who is the contesting respondent. I have also heard the
learned Additional Government Advocate for the respondents no.18
& 19.

2. The order impugned is dated 29/01/2015 passed by the learned
Additional Senior Civil Judge, Panaji whereby the application being
CMA No.18/2013/B has been rejected.

3. Indisputably, the petitioners have filed a separate suit being Civil

Suit No.11/2013/B. The dispute pertains to an access to chapel which is a protected monument.

4. I have heard the learned Counsel for the parties for sometime. Shri Noronha, the learned Counsel appearing for the petitioner, on instructions, seeks permission to withdraw the petition with liberty to raise appropriate contentions based on Section 17 of the the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 in Civil Suit No.11/2013/B. It will be open for the respondent no.17 to raise appropriate contentions in defence.

5. In such circumstances, the Writ Petition is disposed of as withdrawn with no order as to costs. The rival contentions of the parties on merits are kept open. Ad interim relief granted stands vacated

C. V. BHADANG, J.

NH