

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 314 OF 2015

SMT.MARIA LETICIA CARDOZO AND
ANR.,

... Petitioners

Versus

STATE OF GOA, THROUGH ITS CHIEF
SECRETARY AND 6 ORS.,

... Respondents

Shri Parag S. Rao, Advocate for the petitioners.
Shri A. N. S. Nadkarni, Advocate General with Shri V. Rodrigues,
Additional Govt. Advocate for the respondents No.1 and 2.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 27th April, 2015

P.C.:

Heard Shri Parag Rao, learned Counsel appearing for the petitioners and Shri A. N. S. Nadkarni, learned Advocate General appearing for the respondents No.1 and 2.

2. The above petition, inter alia, challenges an order passed by the National Green Tribunal, Western Zone Bench, Pune dated 19th March, 2015 whereby an application for amendment filed by respondent No.3 came to be allowed.

3. Shri Parag Rao, learned Counsel appearing for the petitioners has pointed out that the application for amendment filed by the respondent No.3 has been allowed without giving an effective hearing to the petitioners. It is further pointed out that the alleged claim sought to be introduced by the respondentt No.3 is barred by limitation. The learned Counsel further submits that the Tribunal

also does not have jurisdiction to examine the alleged contentions sought to be introduced by the respondent No.3. The learned Counsel further points out that the Tribunal has also not given an opportunity to the petitioners to file an additional reply, opposing the alleged contentions sought to be introduced by the respondent No.3.

4. We have examined the contentions raised by the learned Counsel and we have also gone through the record. The impugned order only grants leave to the private respondent No.3 to amend the claim before the learned Tribunal. In such circumstances, the question of invoking the jurisdiction of this Court under Articles 226 and 227 of the Constitution would not arise, as no prejudice would, otherwise, occasion to the Petitioners as they can raise their defences before the learned Tribunal with regard to such contentions.

5. Be that as it may, the petitioners, if so advised, can always move the learned Tribunal to permit them to file an additional reply and raise all the contentions available to the petitioners to oppose the additional pleadings allowed to be introduced by the respondent No.3, in accordance with law.

6. Subject to the above, the petition stands rejected.

K. L. WADANE, J.

F. M. REIS, J.

ssm.