

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NOS. 216 AND 345 OF 2015

WRIT PETITION NO. 216 OF 2015

M/s. Himalaya Builders,
Pvt. Ltd., Through its
Director Mr.
Radhyasham R. M. Sodhani.

... Petitioner

V e r s u s

1. State of Goa,
Through its Chief Secretary,
and 3 Ors.

... Respondents

Mr. Agha I. Khan, Advocate for the Petitioner.

Mr. Amogh Prabhudessai, Addl. Government Advocate for the Respondent nos. 1 to 3.

Mr. S. D. Padiyar, Advocate for the Respondent no. 4.

A N D

WRIT PETITION NO. 345 OF 2015

Girdharlal M. Gangani

... Petitioner

V e r s u s

1. State of Goa,
Through its Chief Secretary,
and 3 Ors.

... Respondents

Mr. S. D. Padiyar, Advocate for the Petitioner.

Mr. Amogh Prabhudessai, Addl. Government Advocate for the Respondent nos. 1 to 3.

Mr. Agha I. Khan, Advocate for the Respondent no. 4.

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

Date : **1st July, 2015**

ORAL ORDER

Heard Shri Agha, learned Counsel appearing for the Petitioner in Writ Petition no. 216 of 2015 and Respondent no. 4 in Writ Petition no. 345 of 2015, Shri S. D. Padiyar, learned Counsel appearing for the Petitioner in Writ Petition no. 345 of 2015 and Respondent no. 4 in Writ Petition no. 216 of 2015 and Shri Prabhudessai, learned Addl. Government Advocate appearing for the Respondent nos. 1 to 3.

2. The above Petition, inter alia, seeks for a direction to the Respondent no. 2 to take a decision on the application which is the subject matter of the Writ Petition no. 216 of 2015 dated 06.12.2013 and the application dated 01.04.2013 filed by the Petitioner in Writ Petition no. 345 of 2015. It is pointed out that after the above Petitions were filed, a decision has been taken on both the said applications by the Respondent no. 2-North Goa Planning and Development Authority as reflected in the letter dated 27.04.2015. It is also pointed out that the said decision has been challenged by the Petitioners by filing independent proceedings.

3. Mr. Agha, learned Counsel appearing for the Petitioner, has pointed out that the said Order which reflected in the letter dated 27.04.2015 does not dispose of the application filed by the Petitioners dated 06.12.2013 as directed by this Court in Writ Petition no. 548 of 2013. But, however, the learned Counsel, for the Respondent nos. 1 to 3, upon instructions, pointed out that the decision reflected in the said letter dated 27.04.2015 is in fact the decision on the said application dated 01.04.2015.

4. In view of the said statement of the learned Counsel appearing for the Respondent no. 2, the contention of Mr. Agha, learned Counsel, would not survive. Be that as it may, as the Petitioner has availed of their alternate remedy to challenge the said decision, the question of keeping the above Petition pending would not arise at all. The Petition stands disposed of accordingly as infructuous. Needless to say, the contentions of both the parties are left open. Copies of the said letters are marked 'X' for identification.

K. L. WADANE, J.

F. M. REIS, J.

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