

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 608 OF 2016

MRS. EMA MORAES AND ANR. ... Petitioner
Versus
THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS. ... Respondents

Shri Nigel Da Costa Frias, Advocate for the Petitioners.
Shri Menino Pereira, Advocate for Respondents No.3.
Shri S.S. Kantak, Senior Advocate with Shri P. Talaulikar, Advocate
for Respondent No.5.

Coram:- C. V. BHADANG, J.

Date:- 21st October, 2016

P.C.:

The learned Counsel for the petitioners, on instructions, seeks permission to withdraw the Writ Petition with liberty to file an application for appointment of Commissioner, if so advised, after the parties lead their evidence in the suit.

2. Shri Kantak, the learned Senior Counsel for the contesting respondent no.5 has no objection for granting such liberty.

3. In such circumstances, the petition is disposed off as withdrawn with no order as to costs. Needless to mention that the petitioners would be at liberty to file an application for appointment of the Commissioner, if so advised, after the parties lead evidence. If such an application is filed, the same shall be decided on its merits in

accordance with law without being influenced by the observations in the impugned order. It is further made clear that all that the learned Counsel for the petitioners had conceded before this Court in Appeal From Order No.45/2012 is that the plot no.8 is a plot situated at the junction of two roads. The question whether the said plot can be said to be a corner plot within the meaning of the provisions of the Municipalities Act and the applicable Building Regulations is left open.

C. V. BHADANG, J.

NH