

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 13 OF 2016

CANSAULIM ARROSSIM CUELIM CIVIC
AND CONSUMER FORUM, REP. BY MR.
ALVARO DA COSTA AND ANR.

... Petitioners

Versus

THE STATE OF GOA, THR. CHIEF
SECRETARY GOVT. OF GOA AND 6 ORS.

... Respondents

Mr. Ryan Menezes, Advocate for the Petitioners.
Mr. Deep Shirodkar, Addl. Government Advocate for the
Respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 8th August, 2016

P.C.

Heard Shri Ryan Menezes, learned Counsel appearing for the
Petitioners and Mr. Deep Shirodkar, learned Addl. Government
Advocate appearing for the Respondents.

2. The above Petition takes exception to the technical approval
dated 25.06.2014 issued by the statutory authorities in respect of the
project being carried out by the Respondent no. 5.

3. Upon hearing the learned Counsel, it is not disputed that in
respect of the same project there are proceedings initiated by the
Petitioner before the National Green Tribunal as well as in the Writ
Petition before the learned Single Judge of this Court in connection

with the permission granted under the Panchayat Raj Act. It is also not disputed that the permissions granted under the Panchayat Raj Act are based on the technical approval which is under challenge in the present Petition.

4. Shri Ryan Menezes, Learned Counsel appearing for the Petitioner, pointed out that the challenge on the technical approval is essential on the ground that the access/road to the project as required by the Planning Regulations has not been maintained by the private Respondents.

5. The learned Addl. Government Advocate has brought to our notice the ground raised before the learned Single Judge in Writ Petition filed by the Petitioner to point out that these grounds have also been raised in the Writ Petition before the learned Single Judge.

6. In such circumstances, we find that the question of entertaining another Writ Petition in respect of the same project would not at all be justified. This would lead to multiplicity of proceedings which has to be avoided to avoid conflicting decisions.

7. Mr. Ryan Menezes, learned Counsel appearing for the Petitioners, also does not dispute that all the contentions can be raised in one single Writ Petition. Though Mr. Ryan Menezes, learned Counsel, was given an opportunity to examine whether to proceed with the

above Petition in the circumstances that the Writ Petition filed before the learned Single Judge has already been heard, the learned Counsel has submitted that the Petitioner desires to proceed with the present Writ Petition independently.

8. In view of the above, as same issues are already raised in the pending Petition by the Petitioners, we find that there is no case made out for entertaining the above Writ Petition as otherwise it would lead to multiplicity of the proceedings.

9. The Petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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