

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 16 OF 2016

SCHEDULED TRIBE ASSOCIATION SAO
JOSE DE AREAL THR. ITS PRESIDENT
MR. PEDRO CASTANHA.

... Petitioner

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS.

... Respondent

Shri Nigel Da Costa Frias, Advocate for the petitioner.
Shri S. D. Lotlikar, Advocate General with Shri D. Shirodkar, Addl.
Govt. Advocate for the respondent nos.1 and 3.

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

Date:- 22nd August, 2016

P.C.

Heard Shri Nigel Da Costa Frias, learned Advocate for the petitioner and Shri S. D. Lotlikar, learned Advocate General for the respondent nos.1 and 3.

2. The grievance of the petitioner in the present petitioner is only two fold, one that according to the petitioner though 6 mts wide access road is shown in the approved plan by the Town and Country Planning Department, no such 6 mts wide access road is available at the site. The next grievance of the petitioner is that the Director of Panchayat has passed two contradictory orders whereby the Secretary has been directed to issue a licence to the concerned project of the private respondent and the other is to obtain NOC from the concern departments to consider the grant of such licence.

3. Shri S. D. Lotlikar, learned Advocate General appearing for the

respondent nos.1 and 3/Statutory Authorities has pointed out that the concerned Statutory Authorities shall ensure that the 6 mts wide access road as shown in the approved plan is duly available before granting an occupancy certificate /completion certificate to the private respondent. As far as the next contention is concerned, the learned Advocate General points out that the petitioner has no locus to challenge the said orders, as according to him, the second order is a consequence of the directions issued of the first order.

4. Upon hearing the learned Counsels appearing for the respective parties, we find that as the grievance of the petitioner with regard to the 6 mts wide access road is duly taken care of, by the statement of the learned Advocate General, such grievance would no longer survive. With regard to the second contention, we find that as the concerned panchayat has been assailing the order passed by the Deputy Director by filing appropriate proceedings before the Competent Forum and are being adjudicated, we find that the question of examining such grievance at the instance of the petitioner would not at all be justified.

5. The Petition stands accordingly disposed off.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.