

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 717 OF 2014

MARTHA GRACIAS,

... Petitioner

Versus

SHEIKH BASIR & ANR.,

... Respondents

Mr. Devidas Pangam, Advocate for the Petitioner.

Mr. Ashwin D. Bhobe, Advocate for Respondent No. 1.

Mr. Prashil Arolkar, Advocate for Respondent No. 2.

Coram:- C. V. BHADANG, J.

Date:- 22nd March, 2016

P.C:

Heard.

2. This petition challenges an order dated 03.07.2014 passed by the Goa Municipalities Appellate Tribunal in Miscellaneous Application No. 83/2012 in Municipal Appeal No. 23/2012, whereby the application for intervention filed by the petitioner in the Municipal Appeal was rejected. Indisputably, the Municipal Appeal is decided on merits on 28.01.2016, which judgment and order has been challenged by the petitioner in Writ Petition No. 324/2016. A perusal of the grounds in Writ Petition No. 324/2016 shows that there is a ground about refusal by the Municipalities Appellate Tribunal to allow intervention and consequent breach of principles of natural justice. In either case, if the Municipal Appeal is decided on merits, the prayer would not survive.

3. In that view of the matter, Writ Petition is disposed of as infructuous with liberty to the petitioner, to raise appropriate grounds in Writ Petition No. 324/2016.

C. V. BHADANG, J.

EV