

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 1037 OF 2015

MRS.MARIA FILOMENA FURTADO AND 3  
ORS.,

... Petitioners

Versus

STATE OF GOA, THROUGH ITS CHIEF  
SECRETARY AND 3 ORS.,

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. Prasheen Lotlikar,  
Advocate for the petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Mr. V. Sardesai,  
Additional Govt. Advocate for the respondents No.1 and 2.

Mr. Nigel Costa Frias, Advocate for the respondents No.3 and 4.

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

Date:- 4th January, 2016

P.C.:

Heard Mr. S. D. Lotlikar, learned Senior Counsel appearing for the petitioners, Mr. A.N.S. Nadkarni, learned Advocate General appearing for the respondents No.1 and 2 and Mr. Nigel Costa Frias, learned Counsel appearing for the respondents No.3 and 4.

2. We have heard Mr. S.D. Lotlikar, learned Senior Counsel appearing for the petitioners who, inter alia, seeks to challenge an order passed by the National Green Tribunal dated 2nd July, 2015, whereby the appeals preferred by the petitioners and the respondents No.3 and 4 came to be disposed of.

3. During the course of the hearing of the above petition, it was pointed out by the learned Counsel appearing for the respondents that the petitioners had also raised a challenge to the alleged grievances in the above petition before the Apex Court in Writ Petition (Civil) No.814/2015, as well as in Civil Appeal Nos. 5733 and 5734 of 2015, which came to be disposed of by Orders dated 27/11/2015 and 03/08/2015 respectively. On perusal of the Order of the Hon'ble Supreme Court in Writ Petition (Civil) No.814/2015 dated 27/11/2015, we find that the writ petition was withdrawn with liberty to approach the High Court or the National Green Tribunal. Further, on perusal of the Order passed in Civil Appeal Nos. 5733 and 5734 of 2015 dated 03/08/2015, we find that the petitioners herein sought permission to withdraw the said appeals, with liberty to file an appropriate review petition along with additional documents, if any, before the National Green Tribunal, (Western Zone), Pune. Hence, the said appeals were disposed of as withdrawn, with liberty to the petitioners to file an appropriate review petition along with additional documents, if any, before the National Green Tribunal, (Western Zone), Pune. Accordingly, it is not disputed that a review petition has already been preferred by the petitioners before the National Green Tribunal, (Western Zone), Pune and is still pending for decision. The subject matter of the grievances sought to be raised by the petitioners in the present writ petition are in respect of the same matter which is under consideration before the learned National Green Tribunal and, as such, parallel proceedings on the same

aspects cannot be allowed.

4. In such circumstances, we find that the question of examining the same grievances in the present petition would not arise at all. Hence, there is no case made out by the petitioners for interference of this Court on such grievances in exercise of its extraordinary jurisdiction under Articles 226 and 227 of the Constitution.

5. The petition is, accordingly, rejected. All contentions of both the parties, on merits, are left open.

K. L. WADANE, J.

F. M. REIS, J.

ssm.