

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 29 OF 2017

MR. DINESH LAXIMAN HARMALKAR AND 7
ORS., ... Petitioners
Versus
COMMUNIDADE OF COLVALE AND 6 ORS., ... Respondents

Mr. Ashwin D. Bhobe, Advocate for the petitioners.

Coram:- C. V. BHADANG, J.

Date:- 11th January, 2017

P.C.

The petitioners have come to this Court against refusal of an ad interim relief by the Trial Court.

2. It is submitted by the learned Counsel for the petitioners that the main application for Temporary Injunction is still pending before the Trial Court. The learned Trial Court has found that the status-quo was directed till the application for regularisation is decided by the Town and Country Planning Department. It is pointed out that there are two orders both dated 07/01/2016, passed by the Town and Country Planning Department, rejecting the applications for regularisation. It is submitted that while one of the orders enumerates 8 reasons for refusing of regularisation, the second order enumerates 10 such reasons. Be that as it may, the Trial Court has found that the

petitioners are not challenging the order of the Town and Country Planning Department.

3. On hearing the learned Counsel for the petitioners and on perusal of record, I find that the petitioners are challenging only refusal of an ad interim relief, when the main application is still pending. In such circumstances, I decline to entertain the petition. Accordingly, it is dismissed. The Trial Court shall decide the application for Temporary Injunction on its own merits and in accordance with law.

C. V. BHADANG, J.

SMA