

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

**PUBLIC INTEREST LITIGATION (SUO MOTO) 1 OF 2015**

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V/S  
STATE GOVERNMENT AND 3 ORS.,

... Petitioner  
... Respondents

Mr. Kaif Noorani, Amicus Curiae.  
Mr. P. Sawant, Additional Government Advocate, for Respondent no. 1 to 3.  
Mr. Menino Pereira, Advocate for Respondent no. 6.

**AND**

**MISC.CIVIL APPLICATION NO. 151 OF 2017**  
**IN**  
**PUBLIC INTEREST LITIGATION WP NO. 30 OF 2016**

SOUTH GOA PLANNING AND DEVELOPMENT  
AND AUTHORITY.,

... Applicant

V/S

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

... Respondents

Mr. Menino Pereira, Advocate for the Applicant.  
Mr. S. D. Lotlikar, Advocate General with Mr. P. Sawant, Additional Government Advocate for the Respondent no. 1 to 3.  
Mr. Parag Rao, Advocate for Respondent no. 4.  
Mr. S. S. Kantak, Senior Advocate with Mr. Preetam Talulikar, Advocate for the original Petitioner in PILSM 1/2015.

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

Date:- 21<sup>st</sup> February, 2017

P.C.:

Heard Mr. Menino Pereira, learned Counsel appearing for the Applicant, Mr. S. D. Lotlikar, learned Advocate General appearing for the Respondents no. 1 to 3, Mr. Parag Rao, learned Counsel appearing for the

Respondent no. 4 and Shri S. S. Kantak, learned Senior Counsel appearing for the original Petitioner in PILSM No. 1/ 2015.

2. When the matter was taken up on the last occasion it was pointed out by Mr. Menino Pereira, the learned Counsel appearing for the South Goa Planning And Development Authority, that in view of the interim order operating against the said Respondent passed in PIL Writ Petition No. 30 of 2016 with regard to the finalisation of the ODP Plan, further steps to complete the change of zoning as well as approval for the rehabilitation scheme submitted by the PWD could not be finalised. Accordingly, the above petition was placed alongwith the subject Writ Petition to examine whether interim modification could be examined to the interim order in operation in the said Writ Petition to facilitate the approval of the subject rehabilitation scheme which is in public interest to decongest the traffic moving through the main road of City of Margao.

3. Accordingly, when the matter was taken up today, Mr. S. S. Kantak, learned Senior Counsel appearing for the Petitioner in the PIL WP No. 30 of 2016 and Mr. Parag Rao, learned Counsel appearing for the local Municipality has pointed out that in public interest, a partial modification of the ODP is permissible for permitting the rehabilitation scheme in an area of 7701 sq.mts in the Chalta No. 2 of PT Sheet No. 209 at Margao City. The ad-interim order dated 29.12.2016 passed in PIL Writ Petition No. 30 of 2016 accordingly stands modified to examine the partial modification to the ODP to the extent of said area of 7701 sq.mts., for the said scheme.

4. Hence, the application filed by the South Goa Planning and Development Authority seeking relief in the Writ Petition stands disposed of, to the said extent of vacating the interim order dated 29.12.2016 for facilitating the

approval for the rehabilitation scheme submitted by the PWD for the subject ring road.

5. Needless to say, the interim modification to the said order is without prejudice to the rights and contentions of the parties herein and in the peculiar facts of the present case in public interest.

6. In view of the order passed today, there is no reason for the South Goa Planning And Development Authority to further delay the procedure for approval to the said rehabilitation scheme submitted by the PWD. Mr. Menino Pereira, learned Counsel appearing for the South Goa Planning And Development Authority, as such, points out that such procedure to facilitate the approval to the rehabilitation scheme shall be completed within three weeks from today.

7. Stand over to 20.03.2017.

Parties to act on duly authenticated copy of this order.

**NUTAN D. SARDESSAI, J.**

**F. M. REIS, J.**

msr.