

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.21 OF 2011

Pundalik N. Raiker

..... Petitioner.

Versus

The State of Goa through Chief
Secretary and others.

..... Respondents.

Mr. Ryan Menezes, Amicus Curiae.

Ms. Neha Kholkar, Additional Govt. Advocate for the Respondent
No.1.

Mr. H. D. Naik, Advocate for Respondent No.2.

Mr. Vithal Naik, Advocate for Respondent No.5.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 6 September 2018.

P.C.:

Various reliefs have been sought by way of this public interest litigation. The primary concern in this Petition is regarding the land use in Taleigao area. The reliefs have been sought regarding illegal conversion of lands, changing of zone of small parcels of land, etc. Enquiries are also sought to be initiated against the Authorities.

2. The Petition was filed in the year 2011. On 17 August

2011, at the time of issuance of Rule, following order was passed :

“ *Heard the petitioner appearing in person, Mr. R. Menezes as an Amicus Curiae, Mr. S.S. Kantak, learned Advocate General for Respondent No.1, Mr. H.D. Naik for Respondent No.2, Mr. A.N.S. Nadkarni, learned Senior Advocate for Respondent No.3 and Mr. Joseph John Cardozo for Respondent No.4.*

2. *In our view, arguable case is made out, hence, Rule. Respondents waive service.*

3. *Heard parties on interim relief. We grant following interim relief:*

Pending hearing and disposal of this Petition, the Respondents are restrained from undertaking or granting any revision, alteration, modification or change of zoning of properties zoned either in the Regional Plan 2001 of Taleigao or in the Outline Development Plan of Taleigao, as agricultural/orchard to any other zone, without following due process of law.”

This interim relief has continued till date.

3. When the Petition came up on board for hearing thereafter, the Petitioner has not remained present, though the learned Amicus Curiae has appeared. On various dates the learned Amicus Curie had sought time to ascertain whether the Petitioner is interested in proceeding further. Today also the Petitioner is not present.

4. At the time of admission of the PIL Writ Petition, the

Division Bench passed an interim order, which basically restates the settled position of law, as no Statutory Authority can take steps contrary to law. Therefore, we are inclined to confirm the interim order as final order in this PIL Writ Petition.

5. As regards the other issues that have been raised in this PIL Writ Petition, the learned Amicus Curiae states that they may be kept open, to be urged as and when occasion arises. We accept the said suggestion. Keeping all the issues that have been raised in this PIL Writ Petition open and confirming the interim order as above, the Petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.