

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO.33 OF 2018
IN
PIL WRIT PETITION NO.14 OF 2016***

Betqui Candola Samvardhan Samitee Applicant.
Versus
M/s. Gera Developments Pvt. Ltd. & Ors. Respondents

Mr. Nigel Da Costa Frias, Advocate for the Applicant.

Mr. S. D. Lotlikar, Senior Advocate with Mr. Anthony D'Silva,
Advocate for the Respondent No.1.

Mr. Sagar Dhargalkar, Advocate for Respondent No.2.

Mr. P. Dangui, Government Advocate for the Respondent Nos. 3 to
6.

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

Date : 31 October 2018.

P.C.:

This Review Application is taken out on the ground that the permission granted for hill cutting has not been specifically set aside and based on this position, the Private Respondent is likely to carry on the hill cutting and misuse the same.

2. The decision was rendered in a public interest litigation and we had taken an overall view of the matter. Ultimately, the

challenge was to the construction activity of the Private Respondent. The hill cutting permission, as the record shows, was not an isolated permission nor an end in itself, but a part of bundle of permissions for the purpose of construction of the complex. It was not argued, as can be seen from the judgment, that it was a stand-alone permission.

3. Having set aside the permissions for construction because of which construction cannot take place and that the hill cutting permission was not considered as an isolated permission, we do not find that the Review on that count is necessary as, even otherwise, if the construction permissions are granted in future and hill cutting permission is put to use in the said construction, it is always open to the Petitioners to test its validity, which challenge will be considered as per law.

4. In view of this position, since the hill cutting permission was not a stand-alone permission, but for the purpose of construction and permission for construction having been set aside, the apprehension is not warranted. The Civil Application is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.