

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.288/2019
IN
PUBLIC INTEREST LITIGATION WP NO.47 OF 2018

Cavelossim Villager S. Forum. Applicant.

V/s.

Village Panchayat of Cavelossim and ors. Respondents.

Mr. Nigel Costa Frias with Ms. Maria Correia, Advocates for the Applicant.

Mr. Vishnuprasad Lawande, Advocate for Respondent No.1.

Mr. Dattaprasad Lawande, Advocate General with Mr. Pradosh Dangui, Government Advocate for Respondents No.2,3,4,5 & 10.

Mr. Dattaprasad Lawande, Advocate General with Mr. Pradosh Dangui, Government Advocate for Respondent No.6.

Mr. Vilas Pavithran, Advocate for Respondent No.8.

Mr. Shivan Desai, Advocate for Respondent No.9.

***Coram : R.D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 12 April 2019.

P.C.:

1. By this application, the applicant (original petitioner) in PIL WP No.47/2018, seeks amendment to the Petition to add some of the grounds and additional prayers. The applicant seeks to challenge further orders passed by the Authority during the pendency of the PIL Writ Petition.

2. The PIL Writ Petition is not admitted till date. The question as to whether any of the prayers in the PIL Writ Petition have become infructuous or not, can be considered after considering the subsequent events having taken place, if any, during the pendency of the PIL Writ Petition.

3. The Misc. Civil Application is, accordingly, allowed as prayed. The amendment to be carried out within one week from today. Amended copy of the Petition shall be served upon the Respondents' counsel within one week from the date of carrying out the amendment. The Respondents would be at liberty to file affidavit-in-reply within two weeks from the date of service of amended copy of the Petition, with copy to be service upon the Petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks from the date of service of the affidavit-in-reply, with copy to be served upon the Respondents' advocate simultaneously.

4. It is made clear that merely because the amendment has been allowed, the averments and the contentions raised by the applicants are not accepted by the Respondents. It is further made clear that the issue of an alternate remedy raised by Mr. Desai, learned Counsel for Respondent No.9 can be agitated at the stage of

admission of the Petition.

5. The Misc. Civil Application is allowed on the aforesaid terms.

6. Place the Writ Petition on board for admission on 17th June, 2019.

Prithviraj K. Chavan, J.

R.D. Dhanuka, J.