

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO. 338 OF 2019
IN
WRIT PETITION NO. 1018 OF 2018**

The Goa Foundation & Anr.	...	Applicants
In		
Krishna Bharat Parab	...	Petitioner
Versus		
Goa Coastal Zone Management Authority		Respondents

Ms. Anamika Ghode, Advocate for the Applicants.

Shri. J.E. Coelho Pereira, Senior Counsel for the original Petitioner.

Shri. Deep Shirodkar, Additional Government Advocate for the Respondent No.1.

Coram : Nutan D. Sardesai, J.

Date : 04 April, 2019.

P.C.:

Heard Ms. A. Ghode, learned Advocate for the applicants, who contended that the petition was filed for challenging the order of revocation and demolition made by the GCZMA, which was a fallout of the Public Interest Litigation filed by the applicants herein, before the Hon'ble Division Bench. The PIL petition was not heard on merits, but decided by an Order dated 01.10.2018.

2. She invited attention to paragraph 4 of the said order and submitted that their presence was very much necessary in these proceedings to bring certain facts on record, and to see that the petitioners do not succeed in the petition for certain facts not being brought on record.

3. Shri. J.E. Coelho Pereira, learned Senior Counsel on behalf of the original petitioners submitted that the petitioner was visited with the order of revocation of permission and demolition, at the instance of the GCZMA pursuant to the PIL filed by the applicants herein. They had filed a Writ Petition challenging the said order of the GCZMA on grounds of violation of the principles of natural justice. The authorities had taken due action based on the PIL filed by the applicants, and therefore, the applicants were neither the necessary nor proper parties to the petition now filed by them.

4. It was also not the case of the applicants that the authorities had defaulted in their duties and therefore, in his submission, their joinder was not at all necessary for a decision of their petition. He placed reliance in **A. Janardhana Versus Union of India and Others**, [AIR 1983 SC 769].

5. Shri. Deep Shirodkar, learned Additional Government Advocate on behalf of the Respondent No.1 submitted that the petitioner was the dominus litus who could decide which were the necessary parties to the petition. It was his contention that the objection to the non-joinder of the applicants had been taken by them in the main petition, and would be addressed on the merits of the petition. Insofar as the application was concerned, he had nothing further to say.

6. i have considered the submissions of Ms. Ghode, learned Advocate for the applicants, and Shri. J.E. Coelho Pereira, learned Senior Counsel on behalf of the original petitioners, and besides, perused the judgment in **A. Janardhana** (supra).

7. It is not seriously in dispute that a Public Interest Litigation was filed by the applicants herein before the learned Division Bench, and which came to be disposed off by an Order dated 01.10.2018 wherein it was clearly held at paragraph 4 that the GCZMA had taken due cognizance and passed appropriate order, and that nothing further survived in the adjudication of the PIL. The Division Bench had also observed that the Respondent No.4, i.e. the petitioner herein would be entitled to pursue its remedies before an appropriate forum.

8. Since the issues raised by the applicants herein have been duly addressed in the PIL, the contention of Ms. Ghode that the petition was not heard on merits and that they were left without any further remedy, cannot be countenanced while dealing with the petition of the petitioners herein, for the grounds set out in their petition. Moreover, i have considered the judgment in **A. Janardhana** (supra) and from which it is clear that the applicants are not likely to be affected by the decision if they are not impleaded in the petition.

9. In view thereof, i do not find any merit in the application, which is accordingly disposed off. The objection of the respondent No.1-State, shall be left open for consideration on the merits of the petition.

10. The Writ Petition No. 1018 of 2018 stands over on 24th April, 2019.

Nutan D. Sardessai, J.

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