

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

WRIT PETITION NO. 402 OF 2019

ELVIRA CONCEICAO FURTADO E PINTO  
AND 5 ORS.,

... Petitioners

Versus

STATE OF GOA, THR. ITS CHIEF  
SECRETARY AND 12 ORS.,

... Respondents

Mr. S. G. Desai, Senior Advocate with Ms. S. Rao, Advocate for  
the Petitioners.

Mr. D. Lawande, Advocate General with Mr. Rajesh Shivolkar,  
Addl. Government Advocate for Respondent Nos.1, 2, 5 to 7.

Mr. Nigel Da Costa Frias, Advocate for Respondent Nos.8 and 9.

Coram:- R. D. DHANUKA &  
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 25th April 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the Petitioners have impugned the order dated 02.07.2015, review order dated 10.11.2016 and second order dated 17.09.2014 passed by the learned National Green Tribunal. All these orders were passed in various applications filed by the mother and brothers of the Petitioners who are Respondents Nos.10 to 13 in this petition.

2. It is the case of the Petitioners that though the Respondent Nos.10 to 13 who are the parties to the various proceedings

before the learned National Green Tribunal as well as before the Hon'ble Supreme Court, since these Petitioners were not parties to those proceedings, those orders passed by the learned National Green Tribunal as well as the Hon'ble Supreme Court would not apply to the Petitioners.

3. It is the case of the Petitioners that the impugned structures which were subject matter of those proceedings before the learned National Green Tribunal as well as the Hon'ble Supreme Court are inherited by the Petitioners as far as back in the year 1992.

4. It is not in dispute that various orders had been passed by the learned National Green Tribunal against the Respondent Nos.10 to 13 in respect of the same structures. Those orders were challenged by those Respondents before the Hon'ble Supreme Court. At one stage, the Hon'ble Supreme Court had granted liberty to those Respondents to seek review of the orders passed by the learned National Green Tribunal. The learned National Green Tribunal once again rejected those review petitions filed by the Respondent Nos.10 to 13. Special Leave Petitions filed by the Respondent Nos.10 to 13 are also rejected. The Authorities now proposed to demolish the impugned structures. We are not inclined to accept the submission of Mr. Desai, learned Senior Counsel for the Petitioners that the Petitioners were not aware of

all those proceedings and orders passed by the learned National Green Tribunal as well as the Hon'ble Supreme Court.

5. The writ petition is devoid of merit and is accordingly dismissed.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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