

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 293 OF 2019

NANDLAL KHEMKA, REP. BY HIS CONST.

ATTORNEY, THOMAS MATTHEW ... Petitioner

Versus

STATE OF GOA, THR. ITS REVENUE

SECRETARY AND 4 ORS. ... Respondents

Shri J.E. Coelho Pereira, Senior Advocate with Shri Vledson Lucio Braganza, Advocate for the petitioners.

Shri Sagar Dhargalkar, Additional Government Advocate for the respondent no.1,2,3 and 4.

Shri Jitendra P. Supekar, Advocate for the respondent no.5.

Shri Amira Razaq, Government Advocate with Shri T. Gawas, Additional Government Advocate for the Respondent nos.1, 2, 3 and 4 in WP No.294/2019.

Shri Sagar Dhargalkar, Additional Government Advocate for the Respondent nos.1, 2, 3 and 4 in WP No.308/2019.

Shri Sarvesh Kamat Malyekar, Advocate for the petitioner in WP No.519 of 2019, 520 of 2019 and 522 of 2019.

Shri Deep Shiroadkar, Additional Government Advocate for the Respondent nos.1, 2, 3 and 4 in WP No.519 of 2019.

Mr. V. Sardesai, Additional Government Advocate for the Respondent nos.1, 2, 3 and 4 in WP Nos.520 and 522 of 2019.

**Coram:- DAMA SESHADRI NAIDU &
NUTAN D. SARDESSAI, JJ.**

Date :- 10th January 2020

P.C.:

The learned Senior counsel for the petitioners in Writ Petition Nos.293, 294 and 308 of 2019 submits that on 23rd August 2019, this Court directed the GCZMA to dispose of the Review Petition. In fact, the respective counsel for the petitioners and the respondents dispute whether it is a direction or a mere observation, enabling the parties to have the pending review pursued. Therefore, we feel it appropriate to extract this Court's directions:

“The learned Counsel for the petitioners states that an application for review is filed and is pending before the GCZMA.

2. The learned Addl. Government Advocate on instructions states that the application will be disposed of within four weeks. The statement is accepted.

3. Stand over to 06.09.2019.”

2. It is neither a direction nor an observation; this Court merely recorded what the respective counsel had submitted, though.

3. Now, the learned Senior Counsel informs the Court that GCZMA partly allowed the review petition. In this context, he insists that the GCZMA has no power to review its own order and, therefore, GCZMA's order in review is beyond its jurisdiction.

4. At any rate, the learned Senior Counsel seeks the Court's leave for the petitioner to challenge the order in review by suitably amending the pending Writ Petition. Leave granted. Once the amendment takes place, the respondents may come with their defence.

5. Since the GCZMA has decided the Review Petitions filed by the other respondents, their Writ Petition Nos.519, 520 and 522 of 2019 no longer survive; they stand disposed of.

6. At any rate, the legality of GCZMA's order is a matter of further adjudication.

Post the matter in three weeks.

NUTAN D. SARDESSAI, J.

DAMA SESHADRI NAIDU, J.

mv