

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 42 OF 2021

Sebastiao M. Fernandes

...Petitioner

Versus

1. The Greater Panaji Planning And
Development Authority, Thr. Its Member Secretary ...Respondents

Mr. V. P. Thali, Advocate for the Petitioner.

Mr. Sahish Mahambrey, Advocate for the Respondents.

**CORAM: Mr. DIPANKAR DATTA, CJ &
M. S. SONAK, JJ**

DATED: 19th August, 2021

PC:-

1. In course of hearing of this Writ Petition yesterday, Mr. Sahish Mahambrey, the learned advocate appearing for the North Goa Planning and Development Authority (NGPDA) had placed before us an order dated 15.10.2019 passed by its Member Secretary. Such order, it was contended, was passed while disposing of the petitioner's application dated 09.11.2016.

2. Since the prayer in this Writ Petition is for a direction upon the NGPDA to dispose of the application for development

permission dated 09.11.2016, it seemed to us that the purpose for instituting this Writ Petition had been worked out. However, we had granted time to Mr. Thali, learned advocate for the petitioner to obtain instructions as to whether he had received the said communication dated 15.10.2019.

3. We are informed today by Mr. Thali that the communication dated 15.10.2019 was not received by the petitioner at any prior point of time.

4. Be that as it may, we see no reason to keep this Writ Petition pending. The same stands disposed of, without costs, granting liberty to the petitioner to explore his legal remedy in accordance with law, should he be advised to challenge the communication dated 15.10.2019.

5. If the petitioner elects a remedy which might have become barred by limitation having regard to the date of the order passed by the Member Secretary, NGPDA, we make it clear that limitation shall be counted from yesterday. This is because of absence of any clear proof of the petitioner having been served with the communication dated 15.10.2019 prior to yesterday.

6. All contentions are left open.

M. S. SONAK, J.

CHIEF JUSTICE