

Meena

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

**WRIT PETITION NO.13 OF 2021**

DUGAL PROJECTS DEV. CO. PVT. LTD.,  
THR. RESOLUTION PROFESSIONAL,  
ARUNAVA SIKDAR AND ANR. ... Petitioners.

*Versus*

GOA COASTAL ZONE MANAGEMENT  
AUTHORITY AND 5 ORS. ... Respondents.

Mr. Karan Batura, Advocate *for Petitioner No.2.*

Mr. Devidas Pangam, Advocate General with Mr. Prashil Arolkar,  
Additional Government Advocate *for Respondent No.1.*

Mr. Shivan Desai, Advocate *for Respondent No.2.*

**CORAM: M.S. SONAK &  
R.N. LADDHA, JJ.**

**DATED: 23<sup>rd</sup> March 2022**

**P.C:**

1. Heard Mr. Karan Batura, learned Counsel for Petitioner No.2, Mr. Devidas Pangam, learned Advocate General with Mr. Prashil Arolkar, learned Additional Government Advocate for Respondent No.1 (GCZMA) and Mr. Shivan Desai, learned Counsel for Respondent No.2.
2. Mr. Batura at the outset makes it clear that he is appearing only for petitioner No.2 and he cannot appear for petitioner No.1 because the insolvency proceedings against petitioner No.1 have been set aside.
3. Normally when there is more than one petitioner, they are required to be represented by the same lawyer. This procedure is a little unusual.

However, since we do not propose to entertain this petition, we will leave the matter like that.

4. At least prima facie, we gathered the impression that the main dispute in the petition concerns the Consent Decree dated 14/11/2008 and the consequences thereof. The dispute between the petitioners and respondent No.2 mainly revolves around this Consent Decree and issues of title arising therefrom. According to us, such disputes cannot be adjudicated in proceedings under Article 226 of the Constitution of India. If at all the parties have any disputes concerning title, etc. then such disputes will have to be sorted out before some other forum.

5. Mr. Batura seeks leave to withdraw this petition with the liberty to take out appropriate proceedings before the appropriate forum concerning all issues related to the Consent Decree dated 14/11/2008. He further submits that in case respondent No.2 applies to the GCZMA for any permissions, approvals etc. then petitioner No.2 should be entitled as a matter of right to appear before the GCZMA and oppose the grant of such approval/permission.

6. Mr. Desai submits that earlier the petitioners had filed Writ Petition No.347 of 2021 for the almost same purpose and thereafter, this petition was withdrawn to pursue the applications made by the petitioners before the GCZMA opposing the grant of permission/approval by respondent No.2. He, therefore, submits that no such liberty to appear as a matter of right before the GCZMA should be granted to the petitioner.

**7.** The learned Advocate General states that normally issues of title etc. are usually quite irrelevant before the GCZMA. In any case and without any prejudice, the GCZMA will inform the petitioners about the receipt of any application from respondent No.2 seeking approvals, permissions, etc.

**8.** According to us, it will be quite premature at this stage itself to hold that the petitioners have some kind of an unqualified right to appear before the GCZMA and to oppose any applications that may be made in the future by respondent No.2. Ultimately, it will be for the petitioners to apply before the GCZMA seeking intervention and such application if made, will be disposed of by the GCZMA in accord with law and on its own merits. At this stage, it will not be appropriate for us to make any further observations on this issue.

**9.** There can be no difficulty in acceding to the prayer of Mr. Batura for leave to withdraw this petition with liberty to take out appropriate proceedings before the appropriate forum on all issues concerning the Consent Decree dated 14/11/2008.

**10.** Mr. Desai submits that all contentions of respondent No.2 may be specifically kept open. Obviously, since this Court is not going into such issues, all contentions of all parties on these issues as and when they arise before the appropriate forum, are kept open.

**11.** The limited statement made by the learned Advocate General is accepted and the GCZMA will have to act based upon the same.

**12.** Leave is granted to withdraw this petition with liberty as prayed for. This petition is disposed of as withdrawn. All contentions of all parties are kept open as clarified above.

**R.N. LADDHA, J.**

**M.S. SONAK, J.**