

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1543 OF 2022 (F)

VEERA PROMENADE PVT. LTD,
THR. AUTHORIZED REP. DURGAPPA
SHETTI AND ANR .. PETITIONERS.

Versus

STATE OF GOA THR. ITS CHIEF
SECRETARY AND 2 ORS ..RESPONDENTS.

Mr. D. Lawande, with Mr. Gauravvardhan A.S. Nadkarni,
Advocate for the Petitioners.

Mr. D.J. Pangam, Advocate General with Mr. Siddhesh
Patkar, Addl. Govt. Advocate *for the Respondent No.1.*

Mr. A. D. Bhobe, Advocate *for Respondents No.2 and 3.*

WRIT PETITION NO. 288 OF 2022

A V. ESTATES PVT. LTD., THR.
ITS DIRECTOR,
SHEFALI VARMA AND ANR ... PETITIONERS.

Versus.

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS RESPONDENTS.

Mr. D. Lawande, with Mr. Gauravvardhan A.S. Nadkarni,
Advocate for the Petitioners.

Mr. D.J. Pangam, Advocate General with Mr. Suhas Parab,
Addl. Govt. Advocate *for the Respondent No.1.*

Mr. A. D. Bhobe, Advocate *for Respondents No.2 and 3.*

WRIT PETITION NO. 290 OF 2022

JPS REALTORS PVT. LTD,
THR. ITS DIRECTOR,
JAIDEEP SANGWAN AND ANR PETITIONERS.

Versus.

THE STATE OF GOA,
THR. ITS CHIEF SECRETARY
AND 2 ORS. RESPONDENTS.

Mr. D. Lawande, with Mr. Gauravvardhan A.S. Nadkarni,
Advocate for the Petitioners.

Mr. D.J. Pangam, Advocate General with Mr. Neehal
Vernekar, Addl. Govt. Advocate *for the Respondent No.1.*

Mr. A. D. Bhobe, Advocate *for Respondents No.2 and 3.*

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

DATED : 17th AUGUST 2022

P.C.:-

1. Heard Mr. Lawande for the Petitioners, the leaned Advocate General for Respondent No.1 and Mr. A.D. Bhobe for Respondents No.2 and 3.

2. The main grievance in these petitions was that the Respondents were not handing over to the Petitioners physical possession of commercial plots “G”, “H” and “I” at Penha de Franca, Goa despite allotments. The Petitioners have also challenged an e-mail communication, by which there was an

attempt to withdraw the sale letter which was the basis of allotment.

3. During the pendency of these petitions, the Respondent No.2 has communicated to the Petitioners its decision of formally cancelling the allotments in favour of the Petitioners.

4. Mr. Lawande submits that leave may be granted to the Petitioners to amend the petitions and question this cancellation.

5. According to us, now that the allotments are cancelled, a fresh cause of action has accrued favouring the Petitioners. No reliefs can be granted in these petitions, as it stands. However, the Petitioners can be granted liberty to question the cancellation of allotments, including by raising all permissible grounds. This means that the Petitioners will be at liberty to also raise the grounds that may have been raised in these petitions.

6. Accordingly, these petitions are disposed of with liberty to the Petitioners to challenge the cancellation of allotments and the Board's decision on which it is supposed to be based, by raising all permissible grounds.

7. We clarify that we have not examined these matters on merits and, therefore, all contentions of all parties are expressly left open.

8. The Petitions are disposed of with liberty as aforesaid.
There shall be no costs.

R. N. LADDHA, J.

M. S. SONAK, J.

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