

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.251 OF 2021
IN
MISC. CIVIL APPLICATION NO.208 OF 2021

ROYLA C. FERNANDES

... Applicant

Versus

THE STATE OF GOA,
THR. THE CHIEF SECRETARY,
GOVT. OF GOA AND 7 ORS.

... Respondents

Mr. Ryan Menezes and Mr. N. Fernandes, Advocates for the applicant.
Mr. Kaif Noorani, Amicus Curiae.

Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for the State.

Mr. Nikhil Pai and Mr. N. Verekar, Advocates for respondent No.5.

Mr. R. Kantak, Advocate for respondent No.8.

Mr. Antonio Alvares, the applicant in MCA No.219/2021 present in person.

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

DATE : 16th March 2022

P.C.:

1. Heard Mr. Menezes, learned counsel for the applicant in MCA No.251 of 2021.

2. Mr. K. Noorani, learned Amicus Curiae and Mr. D. Pangam, learned Advocate General also appeared in this matter.

3. This Misc. Civil Application seeks the following relief:-

“(A) That this Hon. Court be pleased to grant leave to the Applicant, to prosecute Original Application No.42/2021 (WZ), along with the interim reliefs sought therein, before the Hon. National Green Tribunal.”

4. Mr. Menezes submits that the applicant has filed Original Application No.42/2021 (WZ) before the National Green Tribunal (NGT) about certain issues concerning the western by-pass. He points out that by order dated 10.11.2021, the NGT has deferred the hearing in the said petition based on the pendency of Public Interest Litigation (Suo Motu) No.1 of 2015. He, therefore, submits that leave should be granted by this Court to prosecute the Original Application No.42/2021 (WZ) before the NGT.

5. The learned Advocate General as well as the learned Amicus Curiae opposed this application. The learned Advocate General states that as was undertaken before the NGT, the action taken report will be filed before this Court within next two weeks. The learned Advocate General points out that the present applicant is now a party to the PIL (Suo Motu) No.1 of 2015.

6. According to us, the relief as prayed for in this Misc. Civil Application is quite misconceived. The applicant in effect, seeks a variation of NGT's order dated 10.11.2021 by filing such an application. No provision has been pointed out to us in terms of which we are required to grant or refuse leave to prosecute the proceedings before the NGT. The NGT's order dated 10.11.2021 was

made upon hearing the learned counsel for the applicant as well as the learned Advocate General for the State of Goa. The effect of such an order cannot be sought to be diluted by taking out such a Misc. Civil Application before us.

7. Accordingly, we dismiss this application. There shall be however no order for costs.

R. N. LADDHA,J

M. S. SONAK, J

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