

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.138 OF 2023
AND
CIVIL APPLICATION NO.29 OF 2023**

MR ULHAS DIUKAR

... PETITIONER

Versus

STATE OF GOA & ORS.

... RESPONDENTS

Mr S.N. Joshi with Mr Akshay Mashelkar, Advocates for the
Petitioner.

Mr D. Pangam, Advocate General with Mr Neehal Vernekar,
Additional Government Advocate for Respondent Nos.1 & 2.

Ms L. Sawant, Advocate for Respondent No.3.

**CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATE : 31st JULY 2023

P.C. :

1. Heard Mr Joshi along with Mr Akshay Mashelkar for the
petitioner. Learned Advocate General appears along with Mr Neehal
Vernekar for respondent nos.1 & 2 and Ms Sawant appears for
respondent no.3.

2. The challenge in this petition is to the GCZMA's order dated
31.07.2020. Against such order, the petitioner has remedy before the
National Green Tribunal.

3. This petition was instituted during the COVID Pandemic period and has since remained pending.

4. However, considering our order dated 03.01.2023 in PIL Writ Petition No.21/2018 and connected matters, we think that this matter is best agitated before the National Green Tribunal.

5. Ms Sawant states that if the petitioner is relegated to the NGT the issue of limitation will not be raised or pressed.

6. Mr Joshi, based on instructions from the petitioner, seeks leave to withdraw this petition with liberty to file appropriate proceedings before the NGT within four weeks from today. Leave is granted with liberty as prayed for. The reasoning in our order dated 03.01.2023 in disposing of PIL Writ Petition No.21/2018 and connected matters is adopted.

7. If the appeal is indeed instituted by the petitioner within four weeks from today, the Tribunal must decide the same on merits without non-suiting the petitioner on the grounds of limitation. As noted earlier, this petition was instituted during the COVID Pandemic period and the same remained pending before this Court.

8. The contentions on merits are not examined by us because we think that it would be appropriate for the NGT to decide the same in the first instance.

9. With the above liberty and directions, this petition is disposed of. There shall be no order for costs.

10. Civil Application does not survive and is disposed of. All concerned to act on authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.