

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WRIT PETITION NO.2 OF
2017

1 Carmona Village Social And
Welfare Forum, C/o. Wausvel
J. S. S. Miranda,
H. No.433, Tambdeg,
Carmona,
Salcete-Goa. 403 717
Through its President,
Mr Wausvel J. S. S. Miranda
Phone No.9823024169
Fax No. Nil.
PAN Number:
National Unique Identity
Number:Nil
Email:

2 Mr. Joaozinho Da S. F. A.
Martins
r/o 319, Sambatty, Orlim,
Salcete,
Goa-403724
Phone No:0091-9975941068
Fax No. Nil.
PAN Number:
AQUPM3908P
Email:jsfmartins@yahoo.com
Income: 2 lakhs p.a. (Retired
school teacher)

3 Mr Lenin Sebastiao D'Costa,
r/o. H. No.593/2, Xirro,
Carmona, Salcete,

... Petitioners

Goa-403717
Phone No:0091-8805577202
Fax No. Nil.
PAN Number: BHYPD4686F
Email:lenindcosta@gmail.com
Income: 30 lakhs p.a.

Versus

- 1 THE STATE OF GOA,
Through its Chief Secretary,
Secretariat,
Porvorim-Goa
- 2 THE VILLAGE
PANCHAYAT OF
CARMONA,
Through its Secretary
Carmona, Salcete-Goa
- 3 THE TOWN PLANNER
Town & Country Planning
Department,
South Goa District, Margao-
Goa
- 4 THE COLLECTOR,
South Goa District,
Margao-Goa
- 5 RAHEJA UNIVERSAL PVT.
LTD.,
Raheja Center, Point 294,
CST Road, Near Mumbai
University,
Of Bandra Kurla Complex,
Santa Cruz (East), Mumbai-
400 098.

6 The Chief Town Planner
Government of Goa
Panaji, Goa.

7 THE PRINCIPAL
SECRETARY (TCP)
Government of Goa
Secretariat, Porvorim, Goa.

....Respondents

Mr Nigel Da Costa Frias *with Mr G. Malik, Advocates for the Petitioner.*

Mr Devidas J. Pangam, Advocate General *with Mr S. P. Munj, Additional Government Advocate for Respondents No.1, 3, 4, 6 and 7.*

Mr J. E. Coelho Pereira, Senior Advocate *with Mr Vilas Pavithran, Advocate for Respondent No.5.*

Mr Ryan Da Piedade Menezes, Advocate *for Respondent No.2.*

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

DATED : 1st FEBRUARY 2023

ORAL JUDGMENT : (Per. M. S. Sonak, J)

1. Heard learned counsel for the parties.
2. The challenge in this petition is to the vires/validity of certain amendments to Goa Land Development and Building Construction Regulations, 2010. Further, the petitioners also challenge certain permissions granted to respondent no.5 based on such amendments.

3. Today, the affidavit is filed on behalf of respondent no.5 stating that respondent no.5 does not propose to undertake any activities based upon the impugned permissions. Further, the affidavit states that the respondent no.5 does not propose to even apply for any renewal of the technical clearance order and the construction licence dated 15.09.2015.

4. Paragraphs 3, 6 and 7 of affidavit of respondent no.5 dated 30.01.2023 reads as follows:-

'3. I say that the Technical Clearance Order was issued to the Respondent No.5 with the condition that the same shall be valid for 3 years from the date of issuance of Construction License, provided the Construction License is issued within the period of 3 years. I say that the Construction License was issued on 15.09.2015 and hence the Technical Clearance Order dated 28.05.2015 as also the Construction License dated 15.09.2015 presently stand lapse on completion of the period of 3 years, viz., on 15.09.2018.

4...

5...

6. I say that with a view to avoid further delay in the matter, the Respondent No.5 has taken an in principle decision not to implement the project in the said property, viz., group housing as per Exhibits D and M to the Writ Petition.

7. I say that the Respondent No.5 will not apply for renewal of the Technical Clearance Order dated 28.05.2015 as also the Construction License dated 15.09.2015, as the Respondent no.5 does not wish to go ahead with the project which is the subject matter of the

licenses impugned by the Petitioners in the present PIL Writ Petition.'

5. Considering the aforesaid, Mr Costa Frias, learned counsel for the petitioners agrees that the reliefs in this petition stand worked out and the petition could be disposed of. However, he submits that the challenge to the vires and the amendments may be kept open to be agitated in an appropriate case.

6. Accordingly, by accepting statements in the affidavit of respondent no5, we dispose of this petition. Since we have not adjudicated on the issue of constitutional validity/vires of the impugned amendments, it is obvious that such issue is left open.

7. Petition is disposed of in the above terms.

8. Miscellaneous Civil Applications, if any, will not survive the disposal of the main petition. Accordingly, even miscellaneous civil applications are disposed of.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.