

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.157 OF 2023

VISHNU BUKA SHELAR

... APPLICANT

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 5 ORS

... RESPONDENTS

Mr V.R.Tamba, Advocate for the Applicant.

Ms S. Linhares, Additional Government Advocate for the
Respondent- State.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 4th May, 2023

P.C.:

1. It appears from the statement made by the learned Advocate Shri Tamba that on 18/02/2023 he was unable to remain present in the Court since he was unwell on that day and could not report back to the Court with instructions on whether the petition became infructuous or not. It further appears, as a consequence as the learned Advocate was not being present when the matter was called out the petition was disposed of as infructuous on a statement made by the learned Advocate for respondents No.1 and 2 that the petition had become infructuous since according to instructions received by her the road in question in the petition had been constructed. This position has

been now disputed in the MCA No.157 of 2023 filed by the petitioner wherein at paragraph 2 a specific statement is made that road in question was never completed; to substantiate that statement the petitioner relies upon photographs enclosed to the petition which belies this position.

2. Be that as it may, it appears that the matter was disposed of as infructuous due to the absence of the Advocate for the petitioner, which appears to be not good as he was unwell on that day.

3. Under these circumstances, the order dated 18/02/2023 is recalled. The petition may be placed for admission on 20/07/2023.

4. The application stands disposed of accordingly.

MEENA
VISHAL
BHOIR

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VALMIKI SA MENEZES, J.