

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 118 OF 2023
IN
PIL WRIT PETITION NO. 59 OF 2021(F)**

MORMUGAO PORT AUTHORITY

... Applicant.

Versus

TUKARAM MANOJ PARAB AND 4 ORS

... Respondents.

Mr Yogesh Nadkarni, Advocate *for the Applicant.*

Mr D.J. Pangam, Advocate General with Mr S. Parab, Addl. Govt. Advocate *for Respondents-State.*

Mr Ashwin D. Bhobe, Advocate *for org. Respondent No.1.*

Mr D. Zaveri, Advocate *for Respondent No.1, 2 and 5.*

**CORAM : M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE : 17th APRIL 2023

P.C.:

1. Heard the learned Counsel for the parties.
2. PIL Writ Petition No. 59/2021(F) was disposed of by an order dated 25th July 2022, based on a statement of Mormugao Port Authority (MPA) that the impugned lease favouring the original Respondent No.1 had been terminated vide notice dated 30th June 2022.
3. The MPA has now revoked the termination notice dated 30th June 2022 and further issued a show cause notice dated 14th March

2023 to the original Respondent No.1. Mr Nadkarni says that this show cause notice will be disposed of within two months.

4. Now that the basis for disposal of PIL Writ Petition No. 59/2021(F) has been altered, we accept the MPA's application and prayer for restoration of the PIL Writ Petition. Mr Zaveri, learned Counsel for the original Petitioners and Mr Bhobe, learned Counsel for original Respondent No.1 submit that this would be an appropriate course of action to adopt considering these subsequent developments.

5. Accordingly, the order dated 25th July 2022, disposing of the PIL Writ Petition No. 59/2021(F) is recalled and the PIL Writ Petition No. 59/2021(F) is restored to the file of this Court.

6. Mr Nadkarni and Mr Bhobe submit that though the notice of termination dated 30th June 2022 has been withdrawn, the possession of the leased premises is not handed over by the MPA to the original Respondent No.1. This statement is based on instructions. In particular, Mr Bhobe makes this statement based on instructions from Milind Prabhu, a representative of the original Respondent No.1. This statement is made notwithstanding certain clauses of the original lease deed.

7. Therefore, if the MPA ultimately decides to discharge the show cause notice dated 14th March 2023, the MPA should not

change the status quo by handing over the possession without leave of this Court.

8. Misc. Civil Application is disposed of, but a copy of this order be placed in PIL Writ Petition No. 59/2021(F).

9. Place the PIL Writ Petition No. 59/2021(F) for further consideration on 19th June 2023.

10. Mr Zaveri states that objections will be cleared within two weeks from today.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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