

vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.866 OF 2018

BASILIO XAVIER SERRAO, THR. HIS POA BY PETITIONER NO. 2 AND ANR., Versus STATE OF GOA, THR. CHIEF SECRETARY AND 4 ORS.,	... PETITIONER ... RESPONDENTS
---	---

Mr. P. S. Lotlikar, Advocate for the petitioners.
Ms. S. Kamat, Addl. Govt. Advocate for respondent nos. 1, 2 and 3.
Mr. B. Rodrigues, Advocate for respondent nos. 4 and 5.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 7th December, 2023

P.C.

Heard Mr. P. Lotlikar, learned counsel for the petitioners, Ms. S. Kamat, learned Addl. Govt. Advocate for respondent nos. 1 to 3 and Mr. B. Rodrigues, learned Advocate for respondent nos.4 and 5.

2. Petition was filed challenging revocation of the technical clearance by respondent nos. 2 and 3 only on the ground that width of the access is less than three metres.

3. Mr. Lotlikar and Mr. Rodrigues, appearing for the petitioners and respondent nos. 4 and 5 now submit that parties have settled their dispute and three mts access is carved out/provided. Accordingly, nothing survives in the present proceedings.

4. Ms. Kamat, learned Addl. Govt. Advocate appearing for respondent nos.1 to 3 would submit that since the technical clearance

was revoked, petitioner will have to approach the authority a fresh and only after considering the matter on merits, respondent nos. 2 and 3 will pass necessary orders. Technical clearance was revoked. However, such technical clearance was effective only for three years, period mentioned in such clearance certificate has already expired. Thus, petitioners will have to approach concerned authority a fresh. If petitioners files such application, respondent nos. 2 and 3 will have to decide it on its own merits and in accordance with law. However, three mts access is now provided, nothing survives in the present petition.

5. Accordingly, petition stands disposed of in above terms.

BHARAT P. DESHPANDE, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
Date: 2023.12.12 17:23:07 +05'30'