

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.208 OF 2024
IN
P.I.L. WRIT PETITION NO.30 OF 2023**

THE GOA FOUNDATION THR ITS
SECRETARY DR. CLAUDE ALVARES
AND ANR.

... Applicants

Versus

TOWN AND COUNTRY PLANNING
DEPARTMENT THR THE CHIEF
TOWN PLANNER AND 6 ORS.

... Respondents

Ms Norma Alvares with Mr Om D'Costa, Advocates *for the Applicants*.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar, Additional
Government Advocate *for the Respondent-State*.

Mr Hanumant D. Naik, Advocate *for Respondent No.5*.

Mr Pankaj Vernekar, Advocate *for Respondent No.6*.

Ms Shweta Parulekar h/f Mr J.J. Mulgaonkar, Advocate *for Respondent
No.7*.

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

DATED: 3rd April 2024

P.C.:

1. Heard learned Counsel for the parties.
2. This is an application seeking leave to amend the petition based on a subsequent development.

3. After this Court passed an interim order on 14.02.2024, the impugned ordinance was promulgated on 29.02.2024. Ms Alvares contends that the impugned ordinance was to nullify the effect of this Court's order. Several grounds have been raised in the petition.
4. Mr Deep Shirodkar states that since this is a challenge to an ordinance, it would be appropriate if a separate petition was filed.
5. On considering the submissions, we think that it would be appropriate if leave is granted to amend this petition. The amendment is based on a subsequent development which has a nexus with the issues raised in the original petition. Besides, the impugned ordinance, prima facie, seeks to revive the ODP which was notified on 15.12.2022, which has also been challenged in the main petition.
6. Accordingly, we allow this Misc. Civil Application and grant the Petitioners leave to amend the petition in accordance with the schedule annexed to this application.
7. Ms Alvares states that the amendment would be carried out within three days and amended copies of the petition would also be supplied to the learned Counsel for the parties within three days.
8. The Misc. Civil Application is accordingly disposed of without any order for costs.

VALMIKI MENEZES, J.

M.S. SONAK, J.