

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WP NO.4 OF 2024
WITH
PUBLIC INTEREST LITIGATION WP NO.3 OF 2024, MISC.CIVIL
APPLICATION NO.112 OF 2024

PUBLIC INTEREST LITIGATION WP NO.4 OF 2024
ANAND ESVONTA ACHORENCAR AND ANR ... PETITIONERS
Versus
STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS., ... RESPONDENTS

WITH
PUBLIC INTEREST LITIGATION WP NO.3 OF 2024
DHIRENDRA PHADTE AND 4 ORS ... PETITIONERS
Versus
TARUN RADHAKRISHIN TAHILANI AND 8
ORS ... RESPONDENTS

WITH
MISC.CIVIL APPLICATION NO.112 OF 2024
IN
PUBLIC INTEREST LITIGATION WP NO.4 OF 2024
ANAND ESVONTA ACHORENCAR AND ANR ... APPLICANTS
Versus
STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS., ... RESPONDENTS

Mr Yogesh Nadkarni and Mr Nilay Naik, Advocates for the
Petitioners in PILWP No.4 of 2024.

Mr Raunaq Rao and Ms T. Souto, Advocates for Respondent No.5 in
PILWP No.4 of 2024 and Respondent No.1 in PILWP No.3 of 2024.

Mr Pravin Faldessai, Additional Government Advocate for the State
in PILWP No.4 of 2024.

Mr P. Arolkar, Additional Government Advocate for the State in
PILWP No.3 of 2024.

Mr S. D. Padiyar and Mr P. Shirodkar, Advocates for Respondent
No.4 in PILWP No.4 of 2024 and for Respondent No.5 in PILWP
No.3 of 2024.

Mr C. A. Ferreira, Mr R. Almeida, Mr N. Govekar and Mr S.
Kamulkar, Advocates for Petitioners in PILWP No.3 of 2024.

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

DATED :- 20th February, 2024

P.C.:

Mr Nadkarni, learned counsel for the Petitioners in PILWP No.4 of 2024 seeks leave to amend the petition in terms of the draft suggested in Misc. Civil Application No.112 of 2024.

2. This application is not opposed by any of the learned counsel for the Respondents. Accordingly, the same is allowed. Necessary amendment to be carried out within a week and copies of the amended petition should also be supplied to the learned counsel for the Respondents within the said period.

3. Mr Rao states that a reply will be filed to the amended petition within two weeks. Mr Rao also seeks leave to file an affidavit in reply on behalf of the fifth Respondent in which the fifth Respondent has made a statement that the development undertaken in the property bearing Survey No.292/1-L-7 will now be restricted only within the portion being zoned as Settlement Zone under the Regional Plan 2021. He submitted that after recording this statement, the petitions could be disposed of.

4. Mr Ferreira and Mr Nadkarni, learned counsel for the

Petitioners however submit that these petitions may not be disposed of.

5. Based on the above statement, because according to them, the permissions granted to the fifth Respondent are vitiated for several reasons. Mr Nadkarni submits that only one of the grievances of the Petitioners whom he represents may perhaps be sorted out with the statement made. However, he pointed out that other grievances still survive.

6. Mr Ferreira also craves leave to file an affidavit of the Petitioners in PILWP No.3 of 2024. Leave is granted to file the same in the registry. Mr Ferreira states that the copy of this affidavit has been furnished to the learned counsel for the Respondents.

7. Mr Ferreira also seeks leave to amend the petition on the same lines. Accordingly, leave is granted. Necessary amendment to be carried out within a week and amended copy of the petition to be furnished to the learned counsel for the Respondents.

8. All the above directions will apply to PILWP No.3 of 2024 as well.

9. Mr Rao on instructions, extends the statement made on behalf of the fifth Respondent and recorded by us in our order dated

17.01.2024. Accordingly, the fifth Respondent will have to abide by such a statement.

10. Misc. Civil Application No.112 of 2024 is disposed of.

11. Stand over to 01.04.2024.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.