



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**PUBLIC INTEREST LITIGATION WRIT PETITION NO.32 OF 2019
WITH
MISC. CIVIL APPLICATION NO.1764 OF 2024(F)**

PUBLIC INTEREST LITIGATION WRIT PETITION NO.32 OF 2019

AGNELO BARRETO AND 2 ORS. ...PETITIONERS

Versus

**NORTH GOA PLANNING AND
DEVELOPMENT AUTHORITY,
THR. ARCHDIOCESES BUILDING
AND 12 ORS. ...RESPONDENTS**

**WITH
MISC.CIVIL APPLICATION NO.1764 OF 2024 (F)
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO.32 OF 2019**

**M/S. REVIERA DE GOA RESORTS
AND HOTELS PVT. LTD.,
THR. ITS AUTH. SIGNATORY,
AGNELO M. BRAGANCA. ... APPLICANT**

Versus

AGNELO BARRETO AND 2 ORS. ... RESPONDENTS

Mr Om D'Costa with Ms. Maria Simoes, Advocates for the
Petitioner.

Mr H.D. Naik, Advocate for Respondent No.1.

Ms Sapna Mordekar, Additional Government Advocate for
Respondent Nos.2,3,4 and 9.

Mr P.A. Kamat, Advocate for Respondent No.5.

Ms. Maria Correia, Additional Government Advocate for
Respondent No. 8.

Mr Srinivas Bobde with Mr Jatin Ramaiya, Mr Vibhav Amonkar, Mr Raj Chodanagr, Advocates for Respondent No. 11.

Mr S. S. Kantak, Senior Advocate with Mr Abhijit Gosavi, Ms. Neha Kholkar Pai, Ms Krupa Naik, Ms Saicha Desai and Mr G. Kerkrar, Advocates for Respondent No.12 and for Applicant in MCA. 1764/2024(F).

Mr J.E. Coelho Pereira, Senior Advocate with Mr Jeet Volvoikar, Mr Siddhant Karpe, Advocates for Respondent No.13.

**CORAM : BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATE : 21st AUGUST 2025

ORAL ORDER : *(Per Bharati Dangre, J.)*

1. The learned Counsel for the petitioner Mr Om D'Costa, fairly inform the Court that prayer clauses (a) to (j) in the petition, the primary relief being in the form of a declaration that the Baga hill, comprising of several survey numbers in the Calangute village, be declared as a 'No Development Zone', has been worked out.

He has invited our attention to the amended prayer clause (cc) in the petition, which seek an order/direction for the demolition/removal of the road constructed through the subject plots and for its restoration to the original condition.

In the wake of the aforesaid statement, we focused only on prayer clause (cc) and Mr D'Costa, has placed before us an affidavit affirmed on 20.08.2025 by the petitioner No.1 and along with the said affidavit, an order passed by the Apex Court dated 22.07.2025 in the

two Special Leave petitions filed by the State of Goa is annexed. These Special Leave Petitions arise from the final Judgment and Order dated 13.03.2025 passed in PILWP No.16/2023 and the Judgment dated 23.06.2025 passed in PILWP No. 30/2023.

We have perused the order, which had directed as below:

“.....

Till the next date, parties shall maintain status quo, as it exists today in all the matters and it is further provided that proceedings before the High Court shall remain stayed w.r.t. the petitions giving rise to Special Leave Petition (Civil) Nos.15973-15975/2025.

List all these matters together on 26th August, 2025.”

2. Though Mr D’Costa would make a request to keep the petition pending for the adjudication of prayer clause (cc), would now be dependent upon the outcome of the proceedings before the Apex Court, learned Senior Counsel Mr Kantak as well as Mr Bobde for the respondents dispute the statement and they would submit that this issue will have to be independently dealt with, and in no way is connected to the issue that is pending before the Supreme Court.

3. In the light of the aforesaid statement, we are of the firm view that for entertaining prayer clause (cc), which according Mr D’Costa, is dependent on the proceedings before the Apex Court, we grant liberty to the petitioner to approach this Court by filing a fresh petition at such point of time, where cause of action accrues to him or take such appropriate proceedings which are available to him in law. Needless to state that as far as prayer (cc) is concerned, we have not pronounced

upon the merits of the matter, and by keeping all rights and contentions of the parties open, we dispose of the PIL Writ Petition No.32/2019.

All pending Miscellaneous Civil Applications stand disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.