

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO.257 OF 2024

SHARAD NAGU MALIK AND ANR

... APPLICANTS

Versus

STATE OF GOA THR. CHIEF SECRETARY
AND 7 ORS

... RESPONDENTS

Mr. Elton Flemingo Furtado, Advocate for the Applicants.

Mr. Shubham Priolkar, Additional Government Advocate for
Respondent Nos.1 to 5 and 7.

Mr. Rui Pereira, Advocate for Respondent no.6.

**CORAM:- SARANG V. KOTWAL &
ASHISH S. CHAVAN, JJ.**

DATED :- 8th December, 2025

P.C.

This is an application to restore Writ Petition No. 134 of 2022(F),
disposed of by Order dated 08.02.2022.

2. Learned Counsel for the Applicants has relied on the Order dated
08.02.2022 passed in the said Writ Petition, and he relied on the
observations in paragraph 6 wherein it is mentioned thus :

"6. We find that no action has been taken, then at that stage
we can consider whether any liberty should be granted to revive the
petition which we are now disposing of."

This clearly means that the Petition was disposed of. Liberty to revive the Petition was to be considered, but that specific liberty was not granted. The learned Counsel for the Applicants/Original Petitioners states that inspite of the demolition orders, the illegal constructions are not actually demolished.

Learned Additional Government Advocate submits that in some of the matters, appeals were preferred against demolition orders, and in some matters, the litigants had approached the Civil Court. Therefore, it may not be correct that the demolition Orders were not acted upon. He further added that now there is a change in circumstance as there was an amendment in the form of The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025 w.e.f. 01.09.2025.

3. Thus, there appears to be a substantial change in the law. This may amount to a fresh cause of action, although there could be an overlapping grievance of the Petitioner. Therefore, instead of reviving the old Petition, we are granting liberty to the Petitioners/Applicants to prefer a fresh Petition in the changed circumstances, pointing out the earlier history as well.

With this liberty, the present application is disposed of.

ASHISH S. CHAVAN, J.

SARANG V. KOTWAL, J.