



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 25 OF 2024

Mr. Balkrishna Bhaskar & anr.

... Petitioners

V e r s u s

1. The State of Goa, Through its Chief Secretary ... Respondents
and 5 Ors.

Mr. Viraj V. Bakre, Advocate with Ms M. Simoes, Advocate for the
Petitioners.

Mr. D. Pangam, Advocate General with Mr. Prashil Arolkar,
Additional Government Advocate for Respondent Nos. 1, 3 and 4.

Mr. D. Pangam, Advocate General with Ms. Maria Simone
Correia, Additional Government Advocate for Respondent No. 2.

Mr. D. Lawande, Advocate with Mr. P. Dangui, Advocate for
Respondent No. 6.

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

DATE: 10th NOVEMBER, 2025

P.C.

1. Heard Mr. Bakre, learned Counsel appearing for the Petitioners,
Mr. Pangam, learned Advocate General appearing for the Respondent-
State and Mr. Lawande, learned Counsel appearing for the Respondent
no. 6.

2. Learned Advocate General and learned Counsel appearing for
Respondent no. 6, submitted that some of the prayers made in this

Petition are falling within the jurisdiction of the National Green Tribunal (NGT) and the Petitioners should approach the NGT for the appropriate relief. Learned Counsel for the Petitioners submitted that those prayers would be prayer clauses (b), (ba) and (d), which are as follows :

“(b) For an Order or mandamus to the Wetlands Authority to consider inclusion of remaining area in Survey No. 113/3 and 114/3 of Karapur village which is catchment area and has underground springs which contribute to the Kodal lake;

(ba) For an order or mandamus and setting aside the Notification No. 11-2/GSWA/2024-5/Pub/1799 dated 01.01.2025 published in Official Gazette Series I No. 41 dated 15.01.2025 concerning the Kodal Lake Wetland Area, in as far as it excludes the additional area of Survey Nos. 113/3 and 114/3, Karapur village from the Zone of Influence area;

(d) For an order of restoration of the Wetland area to its original condition by removing the mud filled in the water body, concrete gutters, culverts and soil dumped in the area and to replant the coconut trees felled in violation of the Notification and Court orders;

Learned Counsel for the Petitioners submits that, at this stage, the Petitioners be permitted to withdraw this Petition with liberty to pray for the similar reliefs as mentioned in prayer clauses (b), (ba) and (d) before the NGT. He further submitted that for the rest of the prayers, liberty be granted to file fresh Petition, if necessary. He also

submitted that since there would be delay in filing the appeal before the NGT, some observations be made regarding condonation of delay.

3. Considering these submissions, the Petition is allowed to be withdrawn. Of course, the prayers will have to be suitably modified before the NGT and the reference to writ of mandamus will have to be deleted. The Petitioners are at liberty to pursue the similar reliefs covered by the prayer clauses (b), (ba) and (d) made in this Petition before the NGT.

If the question of condonation of delay arises before NGT, the Tribunal shall take into consideration the pendency of the present Petition before this Court and decide the application for condonation of delay sympathetically. As far as other reliefs are concerned, the Petitioners are at liberty to file a fresh Petition on fresh grounds, if necessary.

4. With this liberty and observations, the Petition is disposed off as withdrawn.

ASHISH SAHADEV CHAVAN, J.

SARANG V. KOTWAL, J.