

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 90 OF 2025

Vishwesh Atchuta Kamat & Anr.	}	Petitioners
Versus		
The High Court of Judicature at Bombay	}	
& Ors.	}	Respondents

Mr. John A. Lobo, Advocate for the Petitioners.

Mr. Rahul Nerlekar, Advocate for Respondent No. 1.

Mr. Devidas Pangam (Senior Advocate), Advocate General for the State of Goa with Mr. Pralhad Paranjape, Mr. Shubham Priolkar, AGA, Mr. Deep Shirodkar, AGA, Mr. Rahul Punjabi and Mr. Ishan Shroff i/b. Mr. Rahul Punjabi, Advocates for Respondent Nos. 2 and 3.

Mr. Akash Rebello with Mr. Nadeem Shama, Advocates for Respondent No. 4.

Mr. Jatin Ramaiya (through VC), Advocate for Respondent No. 6.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 15th DECEMBER 2025

P.C.:

In this Public Interest Litigation (PIL), the following prayers have been made: -

“a) To issue a writ of mandamus or in the nature of mandamus or any other appropriate Writ, Order or Direction directing the respondent designate the building in the Lycyum Complex at Altinho Panaji Goa as the Centre for Arbitration and Mediation for the Courts of Goa.

b) To issue a writ of mandamus or in the nature of mandamus or any other appropriate Writ, Order or Direction directing the respondent to make provision for conductive set-up of the said complex being the Lycyum Complex at Altinho Panaji Goa as the Arbitration and Mediation Centre in Goa.”

2. The petitioners are the practicing advocates in the State of Goa. The petitioner no.1 states that he has been actively associated

with the North Goa Advocates' Association and the Panjim Lawyers Forum and works for preservation, protection and betterment of judicial infrastructure and the rights of legal fraternity in the State of Goa. However, no such details have been even indicated in this petition by the petitioner no.1. The petitioner no.2 who is also a practicing advocate with 17 years of experience claims that he is actively involved in taking up the issues for the legal fraternity in the State of Goa. These petitioners have raised a concern about a possible deterioration of the Lycyum Complex which was once the seat of the High Court of Bombay at Goa and the District Court of North Goa and Civil Court of Panaji were also functioning therefrom. The petitioners further state that the Lycyum Complex with five magnificent buildings had meticulously furnished Court rooms and other infrastructures and one of the buildings in the complex was entrusted to the Advocates' Association for its utilization as their chambers, conference hall, library and Bar room. The petitioners in the aforesaid background state that the Lycyum Complex building should be used for judicial and other related works for dispensation of justice.

3. Mr. John A. Lobo, the learned counsel for the petitioners submits that the Lycyum Complex once housed the Tribunal de Relacao which served as High Court and, thereafter, as the Judicial Commissioners Court after liberation of Goa and now it is the office of the Commissioner of Excise. The learned counsel for the petitioners laid stress on historical significance of the Lycyum Complex and submits that if those buildings are utilized by the Government of Goa for its offices, the entire piece of history may be wiped out and there is a real need for preserving such majestic and iconic building for the future generations. The learned counsel for the petitioners referred to section 89 of the Code of Civil Procedure, 1908, section 12-A of the Commercial Courts Act, 2015 and other

provisions under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984 and submitted that it should be in furtherance of access to justice that the Court buildings at Lycyum Complex are permitted to be utilized for Arbitration and Mediation Centre. The learned counsel for the petitioners further referred to a communication from the High Court which is annexed to the reply-affidavit filed on behalf of the respondent nos. 2 and 3 at Annexure 'C' to submit that the High Court has itself indicated in the letter dated 26th March 2025 that the old High Court building at Lycyum Complex may be required for Judicial Academy, Guest House and ADR Centre.

4. Mr. Akash Rebello, the learned counsel for the Goa High Court Bar Association and Mr. Jatin Ramaiya, the learned counsel for the South Goa Advocates Association echoed the concerns raised by the petitioners and support the prayers made in this PIL petition for issuing a direction to the respondent-Authorities to designate the Lycyum Complex at Altinho Panaji as a Centre for Arbitration and Mediation for the Courts of Goa.

5. Mr. Devidas Pangam, the learned Advocate General appearing for the State of Goa opposed the prayers made in the writ petition and submitted that the High Court at Goa started functioning in 1998 in the Lycyum Complex and before that the building in the said complex had school and college. He reiterated the statements made in the Court on 3rd September 2025 that the Government of Goa is ready and willing to provide all necessary facilities for creation of Mediation Centre at Goa. The learned Advocate General makes a further statement in the Court that the architectural design of the buildings at Lycyum Complex shall be preserved and it shall not be used for any commercial purposes and the proposal of the Government at present is to use those buildings for the office purposes.

6. Paragraph no.24 of the reply-affidavit filed on behalf of respondent nos. 2 and 3 reads as under: -

“24. I reiterate that the State Government proposes to work closely with the Hon’ble High Court to identify and prepare an alternative, suitable venue for the Centre for Arbitration and Mediation, with full logistical and infrastructural support from the Government. I further say that the State Government, will, in the immediate future, identify and make available suitable land for its permanent establishment ensuring that the project has a dedicated and stable location for its long-term functioning.”

7. The gist of stand taken by the Government of Goa is narrated in the following paragraphs:-

“7. I say that the said complex, comprising five buildings admeasuring about 6,579.01 sq. mtrs. of built-up area, belongs to the Government of Goa. I say that several Government Departments and educational institutions were accommodated therein from time to time, the latest being S.S. Dempo College of Commerce & Economics, Dr. T. B. Cunha Higher Secondary School, Bal Bhavan and others. I say that from the year 1997, the Hon’ble High Court of Bombay at Goa was shifted to the said complex and continued to function from there till the year 2021.

8. I say that in the year 2021, the Hon’ble High Court of Bombay at Goa was shifted to its present premises at Porvorim, admeasuring about 23,518.15 sq. mtrs. of built-up area, constructed at a cost of around \$180.02 crores, which far exceeds the Lyceum Complex in both size and facilities.

9. I say that thereafter, the District and Civil Courts of North Goa were relocated in the said complex on 30.8.2021 until 10.2.2025, when they were shifted to the present newly constructed premises at Mercedes, admeasuring about 36,524.60 sq. mtrs. of built-up area, constructed at a cost of about 220 crores, which again far exceeds the Lyceum Complex in both size and facilities.

10. I say that the judicial institutions previously accommodated in the said complex have been provided with larger, permanent premises specially constructed to meet their requirements, and the Lyceum Complex has stood vacated as a result. I say that the State is awaiting handing over of the possession of the said complex.

11. I say that the said complex comprises of five buildings, with the areas of the buildings from 1 to 5, being 2,313.85 sq. mtrs., 980.40 sq. mtrs., 836.66 sq. mtrs., 1,501.70 sq. mtrs. and 946.40 sq. mtrs. respectively. Thus, the total floor area available in the said complex is about 6,579.01 sq. mtrs.

12. I say that since the District and Civil Courts were to be shifted to the new complex at Mercedes, the Government had already decided that upon shifting the said complex shall be utilised for allotting space to various Government Departments housed in premises which are either rented or dilapidated. I say that this decision was conveyed by the General Administration Department

to the Law Department being the Administrative Department, by its letter dated 05.9.2024. I say that another letter dated 09.12.2024 was addressed, requesting the Law Department to expedite the matter at the earliest. I say that reminders dated 28.01.2025 and 11.3.2025 were also sent from the General Administration Department to the Law Department.

Annexed hereto and marked as **ANNEXURE A COLLY** are copies of the letters dated 05.9.2024, 09.12.2024, 28.01.2025 and 11.3.2025.

13. I say that the issue of handing over of the said complex was also discussed in the meeting of the Hon'ble Chief Minister for the State of Goa with the Hon'ble Chief Justice of the Bombay High Court, held on 12.3.2025, wherein the request was made on behalf of the State Government that the said complex should be handed over to the State, as the Courts had already been relocated from the said complex to the new complex in Mercers specially constructed for the Courts, and the said complex is required to relocate the Government Offices from Junta House, which is currently structurally vulnerable and is marked for demolition.

14. I say that pursuant to the request made in the meeting, the Department of Law / General Administration had forwarded requests by letters dated 27.3.2025 and 12.6.2025 to the Registrar (Administration) of the Hon'ble High Court, requesting him to hand over vacant possession of the said Complex to the General Administration Department at the earliest, so that the Government Departments/Offices located in Junta House could be shifted. I say that a letter dated 18.6.2025 was received by the Law Department from the Registrar (Administration), High Court of Bombay at Goa, informing that all correspondence on the subject has been forwarded to the Registrar General with a request to place the same before the Hon'ble Chief Justice of the High Court of Bombay, seeking directions and unless any direction is received, no action can be taken on the request to handover possession.

Annexed hereto and marked as **ANNEXURE B COLLY** are copies of the letters dated 27.3.2025, 12.6.2025 and 18.6.2025.”

8. The decision in Public Interest Litigation No. 239 of 2009 titled “*New Bombay Advocates Welfare Association & Anr. v. State of Maharashtra & Ors.*” starts with the preface that the PILs are concerning infrastructure and other facilities in various Courts in the State. It is indicated in that order that large number of Courts in the State are lacking the basic infrastructural and adequate facilities were not available for the Judges, Court staff, litigants and the Bar members. The decision in “*All India Judges Association & Ors. v. Union of India & Ors.*” (2018) 17 SCC 555 also concerns the infrastructural facilities in the Court complexes. The learned

counsel for the petitioners submitted that the infrastructural facilities would include a Centre for Arbitration and Mediation in view of the rising number of cases which are settled through mediation and arbitration and the justice dispensation system cannot be approached with a *status quoist* mindset. The High Court is alive to the situation and through the Legal Services Authority it has been monitoring the progress of mediation through Lok Adalats and National Lok-Adalats. There are Court- annexed Mediation Centres across the State of Maharashtra which are catering very well the needs of the litigants. However, when we say that the needs of the litigants are being taken care of, we in no manner suggest that this Court is not inclined to issue directions for expanding such infrastructural facilities in future when need so arises.

9. A PIL petition can be entertained by the superior Courts provided the Court finds that the prayers made have a foundation in law and the petitioner has raised a genuine public cause. A writ of mandamus as is understood in law can be issued where the aggrieved party, *prima facie*, demonstrates that he has a right in law flowing from the statutory provisions and there is a failure of corresponding duty by the respondents. There is no right much less a statutory right flowing from any statute to the petitioners to seek designation of the Lycyum Complex as the Centre for Arbitration and Mediation. This is also not possible to state that there is a corresponding duty on the respondent-State to designate a building for a particular purpose, such as, Arbitration and Mediation Centre. Access to justice which flows from the provisions under Articles 21 and 39A of the Constitution of India is of course an object the High Court must strive to achieve. By simply issuing a direction to the respondent-State to designate the Lycyum Complex as the Centre for Arbitration and Mediation, such salutary object cannot be achieved and, in particular, when the Government of Goa has made

a categoric statement in these proceedings that it shall provide all necessary facilities for establishment of a Mediation and Arbitration Centre and make available the necessary finances. As we could gather from the photographs annexed with this petition and the reply-affidavit that the said Complex comprises five buildings spread over about 6,579.01 square meters of built-up area. Such huge establishment cannot be kept apart only for the purpose of Arbitration and Mediation Centre. Moreover, handing over of these buildings is a matter that is pending on administrative side of this Court. As to preservation of the iconic buildings at Lycyum Complex, we record the statement of the learned Advocate General for the State of Goa that all efforts shall be taken to preserve its architectural design as far as possible.

10. With the aforesaid observations, Public Interest Litigation No.90 of 2025 is dismissed.

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]