
(2022) 05 BOM CK 0019

In the Bombay High Court

Case No : Public Interest Litigation Writ Petition No.9, 29 Of 2017

Damiao Telles And 8 Ors

APPELLANT

Vs

North Goa Planning And Development Authority, Thr. Its
Member Secretary And 3 Ors

RESPONDENT

Date of Decision : 04-05-2022

Acts Referred:

Citation : (2022) 05 BOM CK 0019

Hon'ble Judges : M. S. Sonak, J;R. N. Laddha, J

Bench : Division Bench

Advocate : Pranay Kamat, Dattaprasad D. Lawande, Jay Mathews, Devidas J. Pangam, Maria S. J. Correia, Pankaj P. Pai Vernekar, Preetam Talaulikar

Final Decision : Disposed Of

Judgement

M. S. Sonak, J

1. Heard learned counsel for the parties.
2. In both these petitions the challenge was to the Outline Development Plan for Calangute-Candolim-2025 under Notification dated 28.11.2021.
3. Now, Mr. Pranay Kamat, learned counsel for the petitioner in PILWP/29/2017, places on record a Notification dated 27.04.2022 which records that the Outline Development Plan for Calangute-Candolim Planning area-2015 has been suspended. Further, a Committee has been appointed to review and examine in detail the impugned Outline Development Plan.
4. Mr. Kamat points out that based on this Notification of 27.04.2022, even District Court, which is the Appellate Authority, has disposed of several appeals by directing the Committee to consider the appeals as objections. Such parties have also been given the liberty to institute fresh appeals in case they are dissatisfied with the ultimate decisions that the Government may take in the matter.

5. According to us, there is no point in keeping these two petitions pending any longer given the subsequent development in the form of Notification dated 27.04.2022. The petitioners can be granted liberty to raise all their objections before the Committee and, if, ultimately, the Committee or the State Government do not uphold their objections, the petitioners can always be granted liberty to take such steps as are permissible under the law to challenge such decisions.

6. Therefore, by granting the petitioners liberty as aforesaid, we dispose of these petitions. All contentions of all parties are left open.

7. The petitions are disposed of in the aforesaid terms.