
(2010) 03 SC CK 0018

In the Supreme Court Of India

Case No : Transfer Petition (Civil) No. 758 of 2008

Goan Real Estate and Construction Ltd. and Another

APPELLANT

Vs

People's Movement for Civic Action and Others

RESPONDENT

Date of Decision : 31-03-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 25

Citation : (2010) 3 AWC 2491 Supp : (2010) 4 BomCR 804 : (2010) 6 JT 453 : (2010) 3 SCALE 508

Hon'ble Judges : K. G. Balakrishnan, C.J.; J. M. Panchal, J

Bench : Division Bench

Advocate : G.E. Vahanvati, A.G. of India, Mukul Rohtagi and K.K. Venugopal, Mahesh Agarwal, Rishi Agrawala, Mohammed Himayatullah, Saurabh Kirpal and Rohma Hammed, for E.C. Agrawala, Anitha Shenoy, Noma Alvares, Mamta Saxena, Gopal Shankar Narayanan, Sanjay Parikh, Anish R. Shah, Manjula Gupta, Mihir Chatterjee and Devdatt Kamat, for the Appellant;

Final Decision : Dismissed

Judgement

J.M. Panchal, J.—By filing this petition u/s 25 of the Code of Civil Procedure, 1908, the petitioners who are original respondent Nos. 6 and 7 before the High Court in PIL Writ Petition No. 403 of 2007 have prayed to transfer the proceedings of PIL Writ Petition No. 403 of 2007 titled as People's Movement for Civic Action and Anr. v. Goa Coastal Management Authority and Ors. pending before the High Court of Judicature at Bombay, Bench at Goa, Panaji to this Court and be heard along with SLP (Civil) No. 16728 of 2008. This Court has heard the learned Counsel for the parties. It may be mentioned that the petitioner had filed Writ Petition (Civil) No. 329 of 2008 which has been disposed of by a separate judgment. On leave being granted in SLP (Civil) No. 16778 of 2008, Civil Appeal No. 5281 of 2008 was registered. The said appeal was disposed of by judgment dated August 28, 2008 while disposing of the appeal, the petitioners were permitted to complete the incomplete construction work done by them at their own risk and cost. PIL Writ Petition No. 403 of 2007 is

pending before the High Court of Judicature at Bombay, Bench at Goa, Panaji since long.

2. No case is made out by the petitioners to withdraw to transfer the said writ petition to this Court and decide the same along with SLP No. 16728 of 2008. Therefore, the instant application is liable to be rejected. For the foregoing reasons the application fails and rejected. There shall be no order as to costs.