

(2013) 02 BOM CK 0061
In the Bombay High Court
Case No : Writ Petition No. 358 of 2008

Limo Cortez and Others

APPELLANT

Vs

Chief Town Planner and Others

RESPONDENT

Date of Decision : 13-02-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 5 ALLMR 252 : (2013) 4 BomCR 163

Hon'ble Judges : Kanade V.M., J;Bakre U.V., J

Bench : Division Bench

Advocate : Nigel Da Costa Frias, for the Appellant; S. Linhares, A.G. Advocate for Respondents Nos. 1 to 5, 7 and 10, H. Kankonkar for Respondent No. 6, J.E. Coelho Pereira and V. Braganza, for the Respondent

Final Decision : Dismissed

Judgement

Kanade V.M., J.—After we allowed the Misc. Civil Application No. 140 of 2013, we permitted the learned Counsel appearing on behalf of the petitioners to argue the case on merits, he has argued the matter at length. He has argued fully each and every point and also has given detailed reply in rejoinder on behalf of the petitioners. By that time the Court time was over and therefore we pronounced the Order and informed the parties that we are not inclined to entertain the petition and dismissed the petition with costs which are quantified at Rs. 1 Lakh which are to be paid within four weeks. We have further observed that if the costs are not paid within a period of four weeks, the same shall be recovered as arrears of land revenue and the proceeds shall be paid to the Goa Bar Association Library. On the next date, due to paucity of time the judgment could not be dictated in the open Court, however, we informed the parties that taking into consideration the peculiar circumstances of the case we are inclined to reduce the costs from Rs. 1 Lakh to Rs. 25,000/-. We also informed the learned Counsel appearing for the parties that we propose to delete the recovery of the said costs as arrears of land revenue.

2. By this petition which is filed under Article 226 of the Constitution of India, the petitioners are seeking the following reliefs:

(a) for a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction thereby quashing the NOC dated 4/10/06 issued by respondent No. 2 bearing reference No. RB/CNV/TIS/42/2006 dated 20/9/06 to respondent No. 9 recommending the conversion of land admeasuring 17898 sq. mtrs. forming part of the property bearing survey No. 39/5 of village Curca, Tiswadi, Goa from agricultural to non-agricultural use.

b) for a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction thereby quashing the Sanad dated 31/1/07 bearing reference No. RB/CNV/TIS/42/2006 issued by the respondent No. 3 in favour of the respondent No. 9 granting him permission to change the user of the property bearing survey No. 39/5 of village Curca, Tiswadi Goa admeasuring 17898 sq. mtrs. from agricultural to residential purpose.

c) for a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or direction thereby commanding the respondent Nos. 1 to 6 to forthwith revoke/withdraw all permissions for development/construction granted to respondents No. 8 and 9 with respect to the property bearing Survey No. 39/5 of Village Curca, Tiswadi Goa on the basis of the impugned Sanad dated 31/1/07 bearing reference No. RB/CNV/TIS/42/2006 issued by respondent No. 3.

d) for interim reliefs thereby restraining respondents No. 8 and 9 from engaging in any hill cutting, cutting of trees or carrying out any construction in the property bearing survey No. 39/5 of village Curca, Tiswadi, Goa pending the hearing and final disposal of this petition.

e) ex-parte ad-interim reliefs in terms of prayer Clause (d) above.

f) for costs.

3. Brief facts which are relevant for the purpose of deciding this petition are as under:

4. Though the said petition is styled as a writ petition in paragraph No. 24, the petitioners have made the following submission:

The petitioner has no other alternate, equally efficacious remedy and the reliefs prayed for herein if granted shall be complete in themselves. Since the matter involves environmental issues involving the entire villages of Curca-Bambolim, this Hon''ble Court may be pleased to treat this petition as one in public interest.

Though the submission is made by the petitioner that the said petition should be treated as Public Interest Litigation (PIL), however, the record shows that it was never treated as Public Interest Litigation (PIL). In the petition, so far as the locus of the petitioners to file the petition is concerned, he has stated in paragraph No. 1 that sometime in the second week of January, 2008 the petitioner noticed that there was some hill cutting and felling of trees being

carried out on a hillock close to his house and the property being a cashew plantation in which his uncle was an agricultural tenant and he used to assist his uncle in harvesting the said property. He filed a complaint to respondents No. 2, 4 and 6 and the Range Forest Officer, Tiswadi Goa, bringing to the attention the illegal development work being carried out in the said property.

5. According to the petitioner since no action was taken on his complaint an agitation was started near the property along with other villagers and there after respondent No. 4 along with other officials from Mamlatdar's office visited the site and issued a stop work order directing the respondents No. 8 and 9 to stop the development work being carried out in the said property and show cause as to why action should not be taken against them for illegal conversion of land and development According to the petitioner, part of the land was sold to respondent No. 8 by sale deed dated 19/8/2006. It is also his case that the respondent No. 1 granted No Objection Certificate for hill cutting u/s 17-A of the Town and Country Planning Act dated 4/1/2008 and the respondent No. 8 proposed to construct a housing residential scheme comprising of 14 housing units in the said property and approvals were obtained from respondents No. 1 and 2 and also from the Village Panchayat and the Deputy Conservator of Forest for felling of trees dated 5/2/2008.

6. The case of the petitioner is that respondent No. 8 who is the Power of Attorney of respondent No. 9 has applied before respondent No. 4 in the year 2003 for change of land use in respect of property bearing survey No. 39/5 of Village Curca from Orchard to Settlement Zone S-2 in respect of an area of 12,827 square metres and the said proposal was accepted by the Town and Country Planning Board in its meeting held on 12/9/2003. It had considered the proposed alterations and changes in the outline development plan and the Government of Goa gave its consent in terms of section 34(2) of the Town and Country Planning Act for publication of notice u/s 35(1) of the Act in the Official Gazette regarding the proposed changes in the outline development plan. The respondent No. 1 issued notice u/s 35(1) of the said Act which was published in the Official Gazette calling for objections and final notification was issued by respondent No. 1 dated 12/7/2004 notifying changes in the outline development plan from Orchard to Settlement Zone S-2 which was also approved by Town and Country Planning Board.

7. According to the petitioner village Curca was earlier declared as a planning area forming part of the Panaji Planning area under the jurisdiction of the Panjim Planning and Development Authority vide notification dated 14/7/2003. However, thereafter by notification dated 4/2/2005 issued by respondent No. 1, the village of Curca thereafter ceased to be a planning area within the jurisdiction of the Panjim Planning and Development Authority. According to the petitioner therefore in view of this notification, conversion of land use had to be carried out on the basis of the Regional Plan for the State of Goa in force on the said date and application for approval had to be directly made to the Village Panchayat

which would then forward it to the Town and Country Planning Department.

8. It is further case of the petitioner that on 4/2/2005 the Regional plan of 2001 which was in force in the State of Goa was being reviewed and the revised Regional Plan 2011 was notified by the Government of Goa under notification dated 9/8/2006. According to the petitioner, the respondent No. 9 through respondent No. 8 applied to respondent No. 3 based on the regional plan of 2011, on 7/8/2006, for permission to use the property in Village Curca for non-agricultural purposes. The respondent No. 2 issued a No Objection Certificate dated 4/10/2006 recommending the conversion of land for residential purposes. It was mentioned that as per the regional plan of Tiswadi the plot is zoned as Settlement - S2. According to the petitioner based on the No Objection Certificate dated 4/10/2006 issued by respondent No. 2 a conversion sanad dated 31/1/2007 was issued by respondent No. 3 to the respondent No. 9 for the use of said property for residential purposes and thereafter the relevant and necessary permissions from relevant departments have been obtained.

9. According to the petitioner on account of a large public outcry on the regional plan of 2011 a notification was issued by Town and Country Planning Department dated 7/2/2007 u/s 17-C of the Town and Country Planning Act withdrawing the operation of the revised regional plan 2011 in its entirety with retrospective effect from 10/8/2006 and therefore according to the petitioner the change of land use therefore had to be in conformity with the regional plan 2001. It is therefore contended on behalf of the petitioner that on account of withdrawal of regional plan of 2011 all permissions passed on the same plan were deemed to be invalid and non est in the eyes of law. Therefore he contended that No Objection Certificate which was granted for change of land use dated 4/10/2006 and the permissions and the sanads which were granted are ab initio null and void and non est in the eyes of law. According to the petitioner he came to know about the said fact when he filed an application under the Right to Information Act and he therefore filed this petition challenging the said No Objection Certificate dated 4/10/2006 and also the sanad dated 31/1/2007 and also sought a direction for revoking the permission for development/construction granted to the respondents No. 8 and 9 with respect to the suit property.

10. The learned Counsel appearing on behalf of the respondents No. 8 and 9 submitted that the petitioner has suppressed the material facts from the Court and in disguise of filing a Public Interest Litigation or writ petition, in fact, the petitioner after having failed against the respondents in various proceedings namely tenancy proceeding, suit and other representations made to the authorities from time to time, the petitioner then filed this petition with the ulterior motive of obtaining an injunction against the respondents after having failed in the earlier litigations. It was contended that the principle contention of the petitioner was that under 2001 Regional Plan the area in question was demarcated as Orchard and based on the 2011 Regional Plan the respondents had applied for permission for development of the said property based on the

regional plan of 2001. It was contended that the area had already been converted after fulfilling due procedures of law into a S-2 Zone and even after the cancellation of the Regional Plan of 2011 in the Outline Development Plan the area was shown as residential area and a report to that effect had been given by the Chief Town Planner pursuant to a direction given by a Division Bench of this Court dated 8/9/2008. It was submitted that this report is not challenged. It was submitted that permission for hill cutting, felling of the trees in the said property was granted by the Town and Country Planning Department after considering all the permissions granted by the office of the respondent No. 1 and the permission of respondent No. 6 as also the permission from the various Departments. It was therefore submitted that the said petition was liable to be dismissed with costs. The learned Counsel appearing on behalf of the Panchayat submitted that the petitioner had filed an affidavit stating therein that the license for the purpose of construction of residential group housing was valid for a period of three years from the date of the issuance and that the said construction license had lapsed and it was not renewed till date and hence the same is not valid. He submitted that the license according to the petitioner having been lapsed, the petition had become infructuous and was rightly rejected on that ground by the ex-parte order passed by this Court dated 17/2/2013.

11. After having heard the Counsel for the petitioner and the respondents at length, in our view, the submissions made by the learned Counsel appearing on behalf of the petitioner cannot be accepted. The petition indicates that the petitioner after having failed before various forums had approached this Court by suppressing material facts and has succeeded in obtaining an interim order as a result of which the construction permission which was granted to respondents No. 8 and 9 was stayed. In this context it will be relevant to take into consideration the various attempts made by the petitioner to stop the construction of the residential houses of respondents No. 8 and 9. Sometime in 1981 the petitioner filed the application before the Aval Karkoon of Tiswadi Taluka for insertion of his name as a tenant of property bearing Survey No. 39/5 and 42/2 of Village Curca. His claim was rejected by Aval Karkoon by order dated 5/6/1982. Thereafter, a Regular Civil Suit was filed by the petitioner on behalf of the widow of Camilo Cortez, being Regular Civil Suit No. 58/85/B in the Court of Civil Judge, Senior Division at Panaji. In the said proceedings a plea of tenancy was also raised in respect of the property bearing survey No. 39/5. This suit was also dismissed by judgment and decree dated 9/8/1994. The petitioner then by pressing these facts in the petition has tried to agitate the same issue in this petition. In paragraph No. 9 of the petition he has stated that Smt. Conceisao, the widow of Camilo Cortez had filed an application for declaration of tenancy before the Mamlatdar under the provisions of Agricultural Tenancy Act and that the said application did not see the light of day and in fact to the respondents knowledge the said Conceisao had expired and the petitioner was acting as an attorney in the earlier proceedings namely Regular Civil suit No. 58 of 1985. The petitioner did not bother to file these proceedings in the present petition and

impression is sought to be given that those proceedings are left unattended. In our view, the petitioner by filing this petition is indirectly seeking to reactivate the old proceedings in which he had failed. From the aforesaid fact it is evident that the petitioner who has posed in the petition that he was affected as a result of hill cutting and felling of trees being carried out on a hillock close to his house had filed this petition. The petitioner very cleverly has stated that the hillock in which hill cutting was carried out was closed to his house without giving any particulars about the distance and other aspects and at the same time in paragraph No. 24 has stated that the matter involves environmental issues involving the entire villages of Curca-Bambolim and therefore this petition should be tried as a Public Interest Litigation. From the aforesaid averments it is clear that the petitioner has no locus to file this petition and consequently there is no public interest in this petition but a personal interest of the petitioner alone who was aggrieved by the dismissal of his suit and applications which he had filed from time to time claiming tenancy in the suit lands. The petition ought to be dismissed on this ground alone.

12. It is necessary to see the chronology of events:-

14-7-2003 Village of Curca was declared as a Planning Area forming part of the Panaji Planning Area under the jurisdiction of the NGPDA by the Department of Town and Country Planning vide Notification dated 14/7/2003 bearing No. 4/5/2/84/UDD(Part)/03/2592.

2003 respondent No. 1 published the requisite notice in the Official Gazette u/s 35(1) of the Town and Country Planning Act calling for objections regarding the proposed alterations and changes in the ODP.

12/9/03 The Town and Country Planning Board in its 112th meeting considered the proposed alteration and changes in the Outline Development Plan and the Government of Goa gave its consent in terms of section 34/ 2 of the Town and Country Planning Act for publication of the notice u/s 35(1) of the Town and Country Planning Act in the Official Gazette regarding the proposed alteration/ changes in the ODP.

12/7/04 As no objections were received a final notification was issued by the respondent No. 1 dated bearing No. 40/9/2004/TCP/2576 notifying the changes in the Outline Development Plan in respect of the property bearing survey No. 39/5 of the village of Curca from Orchard to Settlement Zone in respect of an area of 11,500 square metres which was finally approved by the Town and Country Planning Board in its 115th and 116th Meeting held on 24/2/2004 and 25/5/2004 respectively. The change of Zone was approved for an area of 11,500 sq. metres.

13/7/2004. The respondent No. 1 published the requisite notice in the Official Gazette on 13/7/2004, notifying the change of zone of the said property which was zoned as Orchard in the Outline Development Plan of Panaji into Settlement Zone vide Notification bearing No. 4/9/2004/TCP/2567 dated 13/7/2004.

30/12/2004 Clarification issued by the Office of the Mamlatdar of Tiswadi clarifying that the property bearing survey No. 39/5 of the village of Curca was not a tenanted land and that no name was deleted from the Tenants" Column and that the provisions of the Agricultural Tenancy Act was not attracted thereto.

4/2/05 The village of Curca was withdrawn from the operation of the Town and Country Planning Act vide Notification dated 4/2/2005 bearing No. 4/5/2/84-UDD(Part)/05/482 and the village of Curca ceased to be a Planning Area within the jurisdiction of the Panaji Planning and Development Authority.

By an Application dated 24/7/2006, respondent No. 9 applied for conversion u/s 32 of the Land Revenue Code, 1968, for change of use of land from agricultural to non agricultural use in respect of 17,898 square metres.

10/8/06 Regional Plan 2011 notified by the Government of Goa vide Notification No. 29/8/TCP/2006/2322 dated 9/8/2006, published in the Official Gazette Extra Ordinary Series III, No. 19 dated 10/8/2006, where an area of 17898 square metres of the property bearing Survey No. 39/5 of village Curca was shown in the Settlement Zone.

4/10/06 NOC dated 4/10/2006 granted by the Deputy Town Planner to the respondents No. 8 and 9 for change of land use in respect of the property bearing survey No. 39/5 of village Curca.

31/1/2007 Conversion Sanad dated 31/1/2007 bearing No. RD/CNV/Tis/42/06 was issued/granted by the Additional Collector North Goa in respect of the portion of the property bearing survey No. 39/5 of the village of Curca of conversion of land from agricultural to non-agricultural use for residential purpose against payment of the Conversion fee of Rs. 3,57,960/-.

7/2/07 Government of Goa withdrew the Regional Plan 2011 in its entirety vide Notification No. 29/8/TCP/2007/617 issued by the Town and Country Planning Department u/s 17(c) of the Town and Country Planning Act with retrospective from 10/8/2006.

18/9/2007 Approval obtained from the respondent No. 1 and 2 for construction inter alia of a Housing Residential Scheme comprising of 14 housing units granted vide letter dated 18/9/2007 bearing reference No. Tis/4431/Cur/07/1624 for proposed construction of a Residential Group Housing Project.

Thereafter the NOC from authorities such as the Public Works Department, Panaji, Goa, Health Officer, License from Village Panchayat of Curca, No Objection Certificate from respondent No. 1 for hill cutting u/s 17-A of the Town and Country Planning Act was granted. Permission was obtained from the Deputy Conservator of Forest for felling of trees.

Thereafter the petitioner again filed the complaint to respondents No. 2, 4 and 6 in January, 2008.

16/1/2008 Stop work order dated 16/1/2008 issued to the respondents No. 8.

2/5/08 respondent No. 4 dismissed the complaint filed by the petitioner vide Order dated 2/5/2008 inter alia for want of jurisdiction to review the permissions/licenses granted to the respondents No. 8 and 9 and accordingly stop work order dated 16/1/2008 was vacated.

13. However, since the petition was admitted and rule was granted and the matter has been argued on merits, we deem it fit and necessary to decide the issue raised by the petitioner in this petition. The particular grievance which is now raised by the petitioner in this petition is that the suit lands were shown as orchards and they were converted into residential zone on the basis of Regional Plan of 2011 and it is contended that since the said Regional Plan has been deleted by virtue of section 17 Clause (C) of the said Act, the conversion of land to residential zone also is automatically set aside along with the permissions which have been granted by the various authorities. The said submission is without any substance. It would be relevant to note that in this petition an order was passed by the Division Bench of this Court on 8/9/2008 in which this Court had directed the Chief Town Planner to examine the issue as to whether the activities carried out by respondents No. 8 and 9 in the said property are permitted under the Regional Plan 2011 or they were permitted under Outline Development Plan - 2011 (ODP), which was in force at the relevant time. The Chief Town Planner was directed to submit his report after hearing both the parties. On 19/9/2008 this order was clarified and the following order was passed.

Our order dated 8.9.08 must be construed as a direction to the Chief Town Planner, Town and Country Planning Department, Government of Goa to examine the issue under the relevant applicable plan. In other words, the plan relevant to the issue and prevalent at the time should be taken into consideration. In the light of this, no further clarification is necessary. Misc. Civil Application is disposed off.

14. In view of the modification order dated 19/9/2008 the petitioner informed the Chief Town Planner by letter dated 29/9/2008 about the orders dated 8/9/2008 and 19/9/2008 and pursuant to the order of clarification dated 19/9/2008 the petitioner filed his submission on the issue. Accordingly, the Chief Town Planner submitted his report dated 3/10/2008 wherein he has taken into consideration all the factual and other aspects and has given his opinion as under:

8. In my opinion though the no objection was conveyed by Town and Country Planning Department for the conversion of land from agricultural to non-agricultural (Residential Purpose) under LRC to the Addl. Collector-II, it makes no difference whether the NOC is based on Regional Plan 201 for Outline Development Plan of Panaji, as the land in question is in settlement zone as per both the plans wherein development is allowed.

Further, General directions have been obtained from the Government that wherever Outline Development Plans were in force prior to the Regional Plan -

2011, the said Outline Development Plans will have to be followed subsequent to the withdrawal of the Regional Plan for Goa 2011 (Copy annexed as Annexure-III).

15. The said opinion has been given by the Chief Town Planner after taking into consideration the relevant facts mentioned in paragraph Nos. 5 and 6 of the report. In paragraph No. 7, he has elaborately dealt with the written submissions filed by the petitioner. It is a admitted position that the order passed by the Chief Town Planner which was passed pursuant to the directions given by this Court has not been challenged by the petitioner and as such the said findings on the factual aspects has become final. The Chief Town Planner has annexed the written submissions of the petitioner as annexure - 1 and the directions issued by the Chief Town Planner which were given by a circular No. 4-5-2-84-UPD-JCP-05-674 dated 25/2/2005. It was clarified at point No. 2 of the said circular that the District level offices and the Branch office of the Town and Country Planning Department shall strictly follow the approved Outline Development Plans and Zoning Plans for scrutinizing the applications for constructions, sub-division of land (Development), conversion, etc. whereas in area where Outline Development Plans/Zoning Plans are not approved by the Government the Regional Plan for 2001 shall be strictly followed. In the present case, therefore subsequent to the withdrawal of the Regional Plan of 2011 general directions of the Government following the old Outline Development Plan were obtained vide note No. TIS/4039/704/TCP/07/pt.file/1226 dated 29/3/2007 and as such the old Outline Development Plan of Panaji was applicable in the present case. The Chief Town Planner has annexed annexure - 3 in which in respect of the similar case the plans were approved. In respect of the said case which was similar to the facts of the present case, the Deputy Town Planner has observed as under:

The note of the Deputy Town Planner has been approved by the Chief Town Planner and amongst other Town Control Planner. It is obvious therefore that the contention of the petitioner that the No Objection Certificate dated 4/10/2006 was granted on the basis of Regional Plan of 2011 is without any substance.

16. In support of the petition, learned Counsel appearing on behalf of the petitioner relied upon the judgment of this Court in Writ Petition No. 309 of 2007, "(Vinayak Shree Real Estate (P) Ltd. and another Vs. State of Goa and another)". On perusal of the said judgment it clearly reveals that the said judgment will not apply to the facts of the present case since the petitioner in the said case had challenged the vires of section 17-C enacted to Goa Town and Country Planning Act, 1974 and the notification dated 7/2/2007 whereby Regional plan - 2011 was withdrawn and pursuant to the power u/s 17-C of the Act a notification dated 7/2/2007 came to be issued by the Chief Town Planner. In the said case the validity of the said section 17-C of the said Act and the notification passed by Chief Town Planner was upheld. In our view since this fact is not disputed, the ratio of the said judgment does not apply to the facts of the present case.

Reliance was also placed on the judgment of the Apex Court in the case of Dadar

Avanti Co-op, Housing Society Ltd., Bombay Vs. Municipal Corpn. of Greater Bombay and others, . In the said case the building or its part was sanctioned for specific purpose. It was held that the change of the user can be permitted only if the Regulation in force at time change of user is intended permits such change. In our view, the ratio of the said judgment also does not apply to the facts of the present case.

17. In our view, this a fit case where the petition should be dismissed with costs. In Civil Application No. 1407 of 2011 in Second Appeal No. 731 of 2003 the learned Single Judge of this Court has observed as under:

9. The proverb "Justice Delayed is Justice Denied" is proved as it is denied to the poorest of the poor. Delayed decisions, piled up files and in indefinitely extending project never serve their purpose. They are the real road blocks to development of any State or Nations. Generally, delayed decisions take its maximum toll on the under privileged section. Delay in disposal of case is considered as one of the most vexed and worrying problem. Mr. Nani Palkhiwala, an eminent jurist opined that Justice in common parlance is considered as blind but in India it is lame too and hobbles on crutches. It is on the verge of collapse with more than 30 million cases clogging the system. There are cases that takes so much time that even a generation is too short to get any type of redressal. Procedures must be utilized to advance the cause of justice but in India it is used to thwart it. In Anil Rai Vs. State of Bihar, case, Sethi J. stated that Delay in disposal of cases facilitates the people to raise eyebrows, sometime genuinely, which if not checked, may shake the confidence of the people in this judicial system. Thereafter this problem of delay injustice delivery system had engaged attention of our law commission for a quite a long time. To cope us with this situation they have proposed several amendments. But the position retains unchanged. One of the reasons for delay in disposal of cases is that one party who is interested in protracting the proceedings in order to ensure that possession of the property remains with them or the money is not required to be repaid, uses various tactics to achieve this purpose of ensuring that the party who is successful in the trial Court does not enjoy the fruits of its decree. Several seminars are held and deliberations took place, Alternate Dispute Resolution is suggested, recommendations are made by the Law Commission from time to time. However, in my view, the problem of delay in disposal of cases cannot be solved unless the litigant who is responsible for causing delay is not penalized. By imposition of heavy costs, this problem would be solved. I believe that right from the lowest Court to the highest Court, such a delinquent litigant should be penalized at every stage by imposing heavy costs and only when this message is given to all the litigants and their Advocates they will restrain themselves from adopting delaying tactics. The respondent is a senior citizen and in spite of having a decree in her favour in the trial Court and in the lower appellate Court, she is not in a position to enjoy the fruits of the decree for the past almost twenty years. I believe that time has come that the lawyers as a body should discourage such litigants who advise them to adopt the delaying tactics.

18. After the hearing was almost over a further affidavit has been filed dated 6/2/2013 on behalf of the one of the heirs of the deceased in which it is claimed that the construction licenses have lapsed. The learned Counsel appearing on behalf of the Panchayat has stated that merely because the licenses have lapsed that does not mean that these licenses cannot be renewed and the respondents No. 8 and 9 are not entitled to apply for renewal and if application for renewing the licenses is filed the same shall be dealt in accordance with the law. Submission made by the learned Counsel is accepted.

19. Initially by an earlier order we had pronounced that the petition is dismissed with costs which was quantified at Rs. 1 Lakh however on the next date when the matter was to be dictated in the open Court, we informed the parties that taking into consideration the peculiar circumstances of the case we are inclined to reduce the costs of Rs. 1 Lakh to Rs. 25,000/-. We also observed that we propose to delete the recovery of costs as arrears of land revenue. Accordingly, the petitioner shall pay costs which have been calculated at Rs. 25,000/- and the proceeds shall be paid to the Goa Bar Association Library. With these directions the writ petition is disposed of.