

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 451 OF 2017

SHRI. HAROON EBRAHIM., ... Petitioner
Versus
STATE OF GOA THR. ITS CHIEF
SECRETARY, PORVORIM AND 6 ORS., ... Respondents

Mr. Shivan Desai, Advocate for the petitioner.
Mr. P. Dangui, Government Advocate with Mr. A. Jamadar,
Addl. Government Advocate for the respondent nos.1 to 3, 6 and
7.
Mrs. A. Agni, Senior Advocate with Mr. G. Xettigar, Advocate
for the respondent no.5.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 18th July, 2017

P.C.

Mr. P. Dangui, learned Government Advocate upon instructions of the Dy. Town Planner Mr. R. Volvoikar, states that the pending representation of the petitioner dated 14.10.2016 shall be considered by the respondent no.2 after hearing the concerned parties in accordance with law within three months from today.

2. Mr. Desai, learned counsel appearing for the petitioner upon instructions, in view of the said statement seeks leave to withdraw the above petition.

3. Mrs. Agni, learned Senior Counsel appearing for the respondent no.5 points out that in the meanwhile the respondent no.5 has filed a Writ Petition challenging the Constitutional validity of a provision in the Building Regulations, 2010 and as such the question of examining the subject representation of the petitioner based on such provisions would not at all be justified and may come in the way of the respondent no.5 whilst considering the challenge raised in STM No.2241 of 2017, wherein an interim relief has been prayed.

4. As the learned counsel appearing for the petitioner seeks leave to withdraw the petition unconditionally, we find that all the contentions of the respondent no.5 raised in the Writ Petition are left open. We have not examined the validity or entitlement of the petitioner based on the said provisions which is the subject matter of the representation before the respondent no.2. Keeping all the contentions of the parties open, the petition stands dismissed as withdrawn.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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