

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-365-2020**

Pramod Timblo ... Petitioner
Versus
State of Goa & Ors. ... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Preetam Talaulikar,
Advocate for the Petitioner.

Ms. Maria Correia, Additional Government Advocate for Respondent
Nos. 1 and 2.

AND**LD-VC-CW-366-2020**

Sociedade Timblo Irmaos Limitada ... Petitioner
Versus
State of Goa & Ors. ... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Preetam Talaulikar,
Advocate for the Petitioner.

Mr. P. Arolkar, Additional Government Advocate for Respondent Nos.1
and 2.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 2nd December 2020

P.C.

Heard Mr. S S. Kantak, learned Senior Advocate who
appears along with Mr. P. Talaulikar for the Petitioners in both these
petitions. Ms. Maria Correia, learned Additional Government Advocate

appears for Respondent Nos.1 and 2 in LD-VC-CW-365-2020 and Mr. P. Arolkar, learned Additional Government Advocate appears for Respondent Nos. 1 and 2 in LD-VC-CW-366-2020.

2. The challenge in both these petitions is to the order dated 26.11.2020 by which the Petitioners' application for grant of permission for carrying out transportation of iron ore and issuance of transit permits came to be rejected.

3. Since, the impugned orders in both these petitions are identical, we transcribe the one in the writ petition instituted by Mr. Pramod Timblo, for convenience of reference :

“Government of Goa
Directorate of Mines Geology
Institute Menezes Braganza, Panaji Goa.
Ph: (0832) 2426431 Fax: (0832) 2425291

Website: www.dmggoa.goa.gov.in

e-mail: dir-mine.goa@nic.in

No. 03/59/2020/Major/Mines/1687

Dated: 26/11/2020

To,
M/s Pramod Pandurang Timblo,
Subash Timblo Bhavan,
Post Box No.242,
Margao-Goa. 403 601.

Sub: “Application for grant of permission for carrying out transportation of iron ore from T.C. No. 29 of 1952 and for issuing transit permits”

Ref: Your letter dated 05.11.2020.

Sir,

With reference to the captioned subject and your letter in reference above, I am to inform you that your request for grant of permission for carrying out transportation of iron ore from T.C. No. 29 of 1952 and for issuing transit permits after the payment of royalty was referred to the Government of Goa in view of the Hon'ble Supreme Court's Order dated 13.10.2020 and the intervention application filed by you in the very same proceedings, wherein, the Government after obtaining legal opinion has informed that in view of the direct ruling of the Hon'ble Supreme Court in the case of the Applicant/leaseholder, that it is not entitled to the benefit of the extension, it is not possible for the Government to grant any extension or benefit in view of the Order dated 13.10.2020 passed by the Hon'ble Supreme Court to you.

Yours faithfully,

Sd/-

(Vivek H. P., I.A.S)

Director of Mines & Geology”

4. In both these matters, there is no dispute that the Petitioners had taken out intervention applications before the Hon'ble Supreme Court which came to be disposed of by order dated 13.10.2020. In such intervention applications, the petitioners attempted to obtain reliefs similar to what they now seek in these petitions. These intervention applications were disposed of by the Hon'ble Supreme Court by order dated 13.10.2020.

5. In the context of the intervention applications, this is what the Hon'ble Supreme Court observed in paragraph 5:-

“Intervention application

5. Let us first take up the intervention application, as it is capable of being disposed without much ado. The

applicants in M. A. No.1653 of 2020 did not challenge the order of the High Court before this Court. Even if he had benefited by the judgment dated 30.01.2020 by virtue of the policy of the State dated 21.03.2018, which we upheld, the applicant cannot now seek the benefit of extension. Therefore, the application for intervention is dismissed.”

6. According to us, after the Petitioners failed before the Hon'ble Supreme Court, the Petitioners could not have sought the very same reliefs from the State Government or this Court. In any case, it would not be proper for us to entertain this petition which, in effect, seeks reliefs similar to those which were rejected by the Hon'ble Supreme Court. Therefore, there is no case made out to interfere with the impugned orders dated 26.11.2020, which also, simply state that the rejection is in the light of the order made by the Hon'ble Supreme Court on 13.10.2020. There is, accordingly, no infirmity in the impugned orders to call for any interference from this Court.

7. For the aforesaid reasons, we dismiss these writ petitions. There shall be no order as to costs.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

at*