

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-289-2020**

Shakuntala R. Parab and anr. Petitioner.

Versus

State of Goa & ors. Respondents.

Mr. Nigel de Costa Frias, Advocate for the Petitioners.

Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar, Addl. Government Advocate for the Respondents.

Coram : M. S. SONAK, &**SMT. M. S. JAWALKAR, JJ.****Date : : 21st October, 2020**

P.C.:

Heard Mr. Nigel de Costa Frias, learned Advocate for the Petitioner.

2. According to us, disputed questions of facts are involved in this matter on the issue of access claimed by the petitioners. Therefore, it will not be appropriate for us to go into the issues in

the exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India.

3. At this stage, Mr. Nigel de Costa Frias, learned Advocate seeks leave to withdraw this petition with liberty to take out appropriate proceedings by instituting a civil suit. Leave is granted to withdraw this petition, with liberty as prayed for.

4. In fact, we are not entertaining this petition only on the ground that there are disputed question of facts which according to us can be efficaciously resolved by availing of a remedy like instituting of a suit.

5. We make it clear that we have not examined the matter on merits and therefore, the petitioner can avail of any other remedy, and, such authority, to decide the matter on its own merits and in accordance with law.

6. The petition is disposed of on the aforesaid terms.

SMT.M.S.JAWALKAR, J.

M. S. SONAK, J.

MF/-