

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2610 OF 2021 (F)

PRESTIGE CONSTRUCTIONS,
THR. ITS AUT. REP., PUJA NAIK ... Petitioner.

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS. ... Respondents.

Mr. Shivan Desai, Advocate *for the Petitioner.*

Mr. Devidas Pangam, Advocate General with Mr. N. Vernekar,
Additional Government Advocate *for the Respondents-State.*

Mr. Sarvesh Malyekar, Advocate *for Respondent No.3.*

WITH

WRIT PETITION NO.2622 OF 2021 (F)

PRESTIGE CONSTRUCTIONS PRESCON,
THR. ITS AUT. REP., PUJA NAIK ... Petitioner.

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS. ... Respondents.

Mr. Shivan Desai, Advocate *for the Petitioner.*

Mr. Devidas Pangam, Advocate General with Mr. Geetesh Shetye,
Additional Government Advocate *for the Respondents-State.*

Mr. Sarvesh Malyekar, Advocate *for Respondent No.3.*

AND

WRIT PETITION NO.2623 OF 2021 (F)

PRESTIGE CONSTRUCTIONS PRESCON,
THR. ITS AUT. REP., PUJA NAIK ... Petitioner.

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS.

... Respondents.

Mr. Shivan Desai, Advocate *for the Petitioner*.

Mr. Devidas Pangam, Advocate General with Mr. Shivdatt Munj,
Additional Government Advocate *for the Respondents-State*.

Mr. Sarvesh Malyekar, Advocate *for Respondent No.3*.

**CORAM: M.S. SONAK &
R.N. LADDHA, JJ.**

DATED: 12th April 2022

ORAL ORDER (Per M.S. Sonak, J.):

1. Heard Mr. Desai for the Petitioners in all these petitions. Learned Advocate General appears for Respondent No.1 and Mr. Sarvesh Malyekar for Respondent No.3 in all these petitions.
2. Initially when these petitions were instituted, the Petitioners had applied for a mandamus to Respondent No.2 to take up for hearing both the preliminary reply dated 11.10.2021 and the final reply on merits concerning complaint dated 04.09.2021.
3. Though, prima facie, such prayers seeking a writ of mandamus to a quasi-judicial authority appears to be misconceived, now, the Respondent No.2 i.e. Real Estate Regulatory Authority (RERA) has disposed of the complaint finally by order dated 23.12.2021.
4. As against the above order, the Petitioners have an alternate efficacious remedy under Section 44 of the Real Estate Regulation and

Development Act, 2016 (said Act). Therefore, we are not inclined to entertain any of these petitions.

5. The dismissal of these petitions or rather the non entertaining of these petitions is only on the ground that the Petitioners have an alternate and efficacious remedy available to them under the said Act, and therefore, the Petitioners are free to avail of such remedy before the appellate authority in terms of law.

6. All contentions of all parties are, therefore, left open for adjudication by the appellate authority, should the Petitioners resort to this alternate remedy of appeal.

7. The petitions are disposed of. There shall be no order for costs.

R.N. LADDHA, J.

M.S. SONAK, J.