



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA HIGH COURT (HEARING OF
WRIT PETITIONS BY DIVISION BENCH
AND ABOLITION OF LETTERS PATENT
APPEALS) BILL, 2013**

(Bill No. 32 of 2013)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
OCTOBER, 2013

THE GOA HIGH COURT (HEARING OF WRIT PETITIONS BY DIVISION BENCH AND ABOLITION OF LETTERS PATENT APPEALS) BILL, 2013

(Bill No. 32 of 2013)

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BILL

5 *to provide for hearing of Writ Petitions by Division Bench and for abolition of Letters Patent Appeals in the High Court of Bombay at Goa.*

BE it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India as follows:-

10 **1. Short title and commencement.**— (1) This Act may be called the Goa High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 2013.

15 (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

20 **2. Writ Petitions, etc. in the High Court of Bombay at Goa to be heard by Division Bench.**— Notwithstanding anything contained in any law for the time being in force or in any instrument having the force of law, every application for the issue of any direction, order or writ under Article 226 of the Constitution of India

and every application invoking the jurisdiction of the High Court under Article 227 or Article 228 of the Constitution of India, pending before the High Court of Bombay at Goa, on the date of commencement of this Act, or filed on or after the said date, shall be heard and disposed off by a Division Bench comprising of two Judges to be appointed by the Chief Justice of the High Court of Bombay:

Provided that, the High Court of Bombay may, by rules made after previous publication prescribe that such of the applications referred to above, as may be specified in the rules, may be heard and disposed of by a single Judge appointed by the Chief Justice.

3. Abolition of appeal from judgment or order of single Judge of High Court of Bombay at Goa made in exercise of original or appellate jurisdiction.— (1) Notwithstanding anything contained in the Letters Patent for the High Court of Judicature at Bombay, dated the 28th December, 1865 and in any other instrument having the force of law or in any other law for the time being in force, no appeal arising from the applications referred to in section 2 or an appeal under any Statute, instituted or commenced, whether before or after the commencement of this Act, shall lie to the High Court of Bombay at Goa from a Judgment, decree or order of a single Judge of the High Court made on or after the

commencement of this Act, whether in the exercise of the original or appellate Jurisdiction of the High Court of Bombay at Goa.

(2) Notwithstanding anything contained in sub-section (1), all such appeals pending before the High Court of Bombay at Goa on the date immediately preceding the date of commencement this Act shall be continued and disposed of by that Court, as if this Act had been not been passed.

STATEMENT OF OBJECTS AND REASONS

In view of mounting arrears in the High Court of Bombay at Goa and to discourage further litigation in the same Court and to give finality to the decisions of the High Court of Bombay at Goa, even though given by a single Judge, it is necessary to abolish appeals in the High Court of Bombay at Goa from Judgment or orders of a single Judge, whether exercising from original or appellate jurisdiction, on the lines of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986 (Maharashtra Act No. XVII of 1986) enacted in Maharashtra.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(2) of the Bill empowers the Government to issue notification for appointing the date to bring into force the Act.

Clause 2 of the Bill empowers the High Court of Bombay to frame rules prescribing the applications which may be heard and disposed off by a single Judge appointed by the Chief Justice.

These delegations are of normal character.

Porvorim-Goa
15th October, 2013

MANOHAR PARRIKAR
Chief Minister

Assembly Hall
Porvorim-Goa
15th October, 2013

N.B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa