

¹[NOTIFICATION FOR PANAJI-GOA

12/29/2013/LD(Estt.)/2218

CHAPTER XVII

PETITIONS UNDER ARTICLES 226 AND 227 AND APPLICATIONS UNDER ARTICLE 228 OF THE CONSTITUTION AND RULES FOR THE ISSUE OF WRITS AND ORDERS UNDER THE SAID ARTICLES

1. (i) Applications for issue or writs, directions, etc. under Article 226 of the Constitution.

— Every application for the issue of a direction, order or writ under Article 226 of the Constitution shall be heard and disposed of by a Division Bench to be appointed by the Chief Justice. The application shall set out therein the relief sought and the grounds on which it is sought. It shall be solemnly affirmed or supported by an affidavit. In every such application, the applicant shall state whether he has made any other application to the Supreme Court or the High Court in respect of the same matter and how that application has been disposed of.

(ii) Applicant to inform Court, if, during pendency of an application, the Supreme Court has been approached. — If the applicant makes an application to the Supreme Court in respect of the same matter during the pendency of the application in the High Court, he shall forthwith bring this fact to the notice of the High Court by filing an affidavit in the case and shall furnish a copy of such affidavit to the other side.

(iii) Hearing may be adjourned pending decision of Supreme Court. — The Court may adjourn the hearing of the application made to it pending the decision of the Supreme Court in the matter.

4. Division Bench to dispose of the application; rule nisi may be granted by a Single Judge. — Applications under Rule I shall be heard and disposed of by a Division Bench; but a Single Judge may grant rule nisi, provided that he shall not pass any final order on the application.

17. (i) Applications under Article 227 and 228. — An application invoking the jurisdiction of the High Court under Article 227 of the Constitution or under Article 228 of the Constitution, shall be filed on the Appellate Side of the High Court and be heard and disposed of by a Division Bench to be appointed by the Chief Justice. The application shall set out therein the relief sought and the grounds on which it is sought. It shall be solemnly affirmed or supported by an affidavit. In every such application, the applicant shall state whether he has made any other application to

1. Notfn. No. P. 1602/2014 dt. 29-9-2014, published in Goa Govt. Gazette dt. 9-10-2014, Extraordinary, Series I, No. 28, pages 1096 to 1102. These Rules shall be deemed to have come into force on 14th March 2014.

the Supreme Court or the High Court in respect of the same matter and how that application is disposed of.

(ii) Applicant to inform Court, if, during pendency of an application, the Supreme Court is approached. — If the applicant makes an application to the Supreme Court in respect of the same matter during the pendency of the application in the High Court, he shall forthwith bring this fact to the notice of the High Court by filing an affidavit in the case and shall furnish a copy of such affidavit to the other side.

(iii) Hearing may be adjourned pending decision by the Supreme Court. — The Court may adjourn the hearing of the application made to it pending the decision of the Supreme Court in the matter.

(iv) Rules 2 to 16 to apply mutatis mutandis. — Provisions of Rules 2 to 16 above shall apply mutatis mutandis to all such applications.

18. Single Judge's powers to finally dispose of applications under Article 226 or 227. — Notwithstanding anything contained in Rules 1, 4 and 17 of this Chapter, applications under Article 226 or under Article 227 of the Constitution (or applications styled as applications under Article 227 of the Constitution read with Article 226 of the Constitution) arising out of –

- 1) The orders passed under the Goa Administrative Tribunal Act, 1965,
- 2) The orders passed by any Authority or Tribunal under the Goa, Daman and Diu Agricultural Tenancy Act, 1964;
- 3) The decrees or the orders passed by any Subordinate Court or by any quasi Judicial Authority in any suit or proceeding (including suits and proceedings under any Special or Local Laws), but excluding those arising out of the Parsi Chief Matrimonial Court and orders passed under the Recovery of Debts due to Banks and Financial Institutions Act, 1993; the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Goa Commission for Schedule Caste and Schedule Tribes Act, 2010);
- 4) The orders and decisions of the Courts constituted under the Code of Criminal Procedure ¹[/the Bharatiya Nagarik Suraksha Sanhita], ²[including] the applications for quashing an F. I. R., C. R., Charge Sheet or an order directing investigation under section 156(3) of the Criminal Procedure Code ¹[/under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita] irrespective of whether such application have been filed

1. Inserted vide Rule 18 of Notification No. Rule/P.1604/Notification No.-18/2025 dt. 18.11.2025, published in M.G.G. Part 4-C, Extraordinary dt. 20.11.2025.

2. The word “except” substituted vide Rule 8 of Notification No. Rule/P.1604/30/2025 dt. 23.12.2025, published in M.G.G. Part 4-C, Extraordinary dt. 23.12.2025.

under section 482 ¹[/528 of the said Code/Sanhita] simpliciter or read with Article 226 and/or Article 227 of the Constitution;

- 5) The decrees or the orders passed by any Subordinate Court in appellate or revisional proceedings arising from suits or proceedings mentioned in Clause (3) above, or
- 6) The orders passed by any authority under the Goa Buildings (Lease, Rent and Eviction) Control Act, 1986;
- 7) The orders passed under the Goa, Daman and Diu Housing Board Act, 1968;
- 8) The orders passed under the Industrial Disputes Act, 1947;
- 9) The orders made under the Goa Industrial Development Act, 1965;
- 10) The orders passed by the Appellate Authority under the Beedi and Cigar Workers (Conditions of Employment) Act, 1966;
- 11) The orders passed under the Payment of Gratuity Act, 1972;
- 12) The orders passed under the Workmen's Compensation Act, 1923;
- 13) The orders passed under the Payment of Wages Act, 1936;
- 14) The orders passed under the Minimum Wages Act, 1948;
- 15) The orders passed under the Goa, Daman and Diu Land Revenue Code, 1968;
- 16) The orders passed under the Indian Stamp Act, 1899;
- 17) The orders passed under the Indian Police Act, 1861;
- 18) The orders passed under the Goa Shops and Establishments Act, 1983;
- 19) The orders passed under the Indian Ports Act, 1908;
- 20) The orders passed under Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
- 21) The orders passed under the Displaced Persons (Compensation and Rehabilitation) Act, 1954;
- 22) The orders passed under the Electricity (Supply) Act, 1948;
- 23) The orders passed under the Employees' Provident Funds and Misc. Provisions Act, 1952;
- 24) The orders passed under the Employees' State Insurance Act, 1948;
- 25) The orders passed under the Factories Act, 1948;
- 26) The orders passed under the Indian Railways Act, 1890;
- 27) The orders passed under section 3 of the Electricity Act, 2003;
- 28) The orders passed under the Motor Vehicles Act, 1939;
- 29) The orders passed under the Goa Co-operative Societies Act, 2001;
- 30) The orders passed under the Major Port Trust Act, 1963;
- 31) The orders passed under the Merchant Shipping Act, 1958;
- 32) The orders passed under the Wireless Telegraphy Act, 1933;
- 33) The orders passed under the Registration Act, 1908;
- 34) The orders passed under the Goa Universities Act, 1984;

1. ¹ Inserted vide Rule 18 of Notification No. Rule/P.1604/Notification No.-18/2025 dt. 18.11.2025, published in M.G.G. Part 4-C, Extraordinary dt. 20.11.2025.

- 35) The orders passed under the Goa School Education Act, 1984;
- 36) Orders passed under the Land Acquisition Act, 1894 for acquiring for re-settlement of the Project affected Persons;
- 37) Orders passed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971;
- 38) Orders passed under the Goa Public Premises Act;
- 39) Orders passed under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975;
- 40) Orders passed under the Goa Value Added Tax Act, 2005;
- 41) Orders passed under the Goa Administration of Evacuee Property Act, 1964;
- 42) Orders passed under the Goa Municipalities Act, 1968;
- 43) Orders passed under the City Corporation of Panaji Act.
- 44) Orders passed under Goa, Daman and Diu Municipalities Act, 1968;
- 45) Orders passed under the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988;
- 46) Orders passed under the Code of Communitades, 1961 including orders passed in Electoral Appeals.
- 47) Orders passed under the Goa Barge Tax Act, 1973;
- 48) Orders passed under the Devasthan Regulations, 1933 including Orders passed in Electoral Appeals;
- 49) Orders passed under the Goa Irrigation Act, 1973;
- 50) Orders passed under the Goa (Brackish Water) Fish Farming Regulation Act, 1991;
- 51) Orders passed under the Goa Panchayat Raj Act, 1994;
- 52) Orders passed under the Air (Prevention and Control of Pollution) Act, 1981;
- 53) Orders passed under the Water (Prevention and Control of Pollution) Act, 1974;
- 54) Orders passed under the Goa Tax on Entry of Goods Act, 2000;
- 55) Orders passed under the Goa Right to Information Act, 1997;
- 56) Orders passed under the Goa, Daman and Diu Public Gambling Act, 1976;

may be heard and finally disposed of by a Single Judge appointed in this behalf by the Chief Justice:

Provided when the matter in dispute is or relates to the challenge to the validity of any statute or any rules or regulations made thereunder, such application shall be heard and disposed of by a Division Bench to be appointed by the Chief Justice :

Provided further that the Chief Justice may assign any petition or any category of petitions falling under Clauses 1 to 56 or any Clause that may be added hereinafter to, a Division Bench :

Provided also that all petitions/applications under Article 226 and/or 227 of the Constitution of India arising out of or relating to an order of penalty or confiscation or an order

in the nature thereof or an order otherwise of a penal character and passed under any special statute shall be heard and decided by a Division Bench hearing Writ Petitions.

Explanation. — The expression "order" appearing in Clauses (1) to (56) means any order passed by any judicial or quasi judicial authority empowered to adjudicate under the above mentioned statutes.

These Rules shall be deemed to have come into force on 14th March, 2014.]
