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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 2408 OF 2026 (FILING)
IN
CONTEMPT PETITION NO. 21 OF 2026

TRUPTESH DATTARAM GAONKAR
AND ANR

... APPLICANTS

Versus

SIDDHIVINAYAK S. NAIK,
THE CHIEF OFFICER

...RESPONDENT

Mr. Vithal Naik, Advocate for the Applicants.

Mr. Y.V. Nadkarni with Ms. Simran Khadilkar, Advocate for the Respondent.

**CORAM:- VALMIKI MENEZES &
S. G. CHAPALGAONKAR, JJ.**

DATED :- 27th AUGUST, 2026

P.C.:

1. This Application has been filed by two of the original Petitioners in a disposed of Writ Petition No.LDC-VC-CW-142/2020, seeking intervention in Contempt Petition No.21 of 2026, and further seeking review, recall and modification in order dated 19.08.2026 passed by this Court in the Contempt Petition; in

addition, the Applicant seeks permission of this Court to allow the Applicants, devotees and residents of Mormugao village to celebrate “Sarvajanik Ganeshotsav” in the suit shed from 14.09.2026 to 22.09.2026 and to defer demolition of the said shed after 01.10.2026.

2. On going through the entire records of previous orders passed by this Court and the original proceedings from which the Contempt Petition No. 21 of 2026 emanates, we dismiss the application for the following reasons:

- a.** The present Applicants claim to be representatives of an unregistered society/association which claim that they, as devotees had raised and maintained a shed structure in which the devotees were conducting certain acts of worship. Since on a complaint made by the Mormugao Port Authority (MPA) to the Mormugao Municipal Council (MMC), no action was been taken by the Council, a Writ Petition No.815 of 2010 came to be filed for a mandamus to the MMC which came to be disposed of by this Court on 28.03.2011, recording an undertaking from the MMC that the complaint would be disposed of after issuing a Show Cause Notice to the occupants of the land under Chalta No.1, PT Sheet No.7 of Mormugao taluka where the suit shed admeasuring 80.84 sq.mtrs. had been constructed.

- b.** The MMC thereafter heard the present Applicants and some 20 other persons and passed a demolition order on 20.05.2020 for removal of the shed admeasuring 80.84 sq.mtrs. on the said land belonging to the MPA; this order was challenged before the Goa Municipalities Appellate Tribunal by the Applicants towards Appellant No.1, amongst 21 appellants which came to be dismissed by a detailed order of 06.08.2020. The order of the Tribunal was further challenged by the Applicants before this Court in a writ petition bearing No. LDC-VC-CW-142/2020 which was dismissed on 13.10.2020 after imposing costs of Rs.3,00,000/- (Rupees Three Lakhs only) on the Petitioners.
- c.** The present Applicants preferred Special Leave to Appeal (Civil) No. 14967/2020 which was rejected on 15.12.2020, reducing the costs imposed to Rs.1,00,000/- (Rupees One lakh only). Despite all these litigations, the MMC did not act upon its demolition order and the MPA was forced to file a Writ Petition No. 1265/2025 F in which the Applicant No. 1 was arrayed as Respondent No.2. This petition came to be disposed of by this Court on 09.09.2025 recording the statement of the Chief Officer of the MMC that the shed structure would be demolished pursuant to directions of this court in its order of 20.05.2020 within a period of 6 weeks.

Despite the undertaking the Chief Officer failed to carry out the demolition compelling the MPA to file Contempt Proceedings bearing No. 21/26, in which this Court passed a detailed order on 19.08.2026 directing the Chief Officer of the MMC to personally ensure that the demolition was complete and the structure be removed on 28.08.2026, when the demolition squad, under the Deputy Collector, Vasco Da Gama was scheduled to carry out the demolition. The Assistant Engineer (Electrical) Vasco-da-Gama was also directed to disconnect electricity supply to the offending structure within three days of that order.

- d. It is in the aforesaid background that the Applicants had now approach this Court with the present Review Application and an application for modification of the order of 19.08.2026. There is absolutely no error apparent of the face of the record to justify review or modification of this Court's order of 19.08.2026. The Contempt Proceedings are pending against the Chief Officer who is bound to report compliance of the demolition order by 01.09.2026. In fact, this is a complete abuse of the process of the Court by the Applicants, who have failed in atleast four for a, including the Supreme Court and now attempting to further delay the inevitable demolition. This Court is therefore fully justified in imposing cost on the

Applicant for filing the present application which is frivolous, dilatory and nothing but an abuse of the process of the Court, as there is absolutely no ground for reviewing the order in the aforementioned circumstances.

3. The application stands dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only).

S. G. CHAPALGAONKAR, J

VALMIKI MENEZES, J