

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 617 OF 2015.

Om Prakash Shop No.1, C-1 Techno
Park Chougma Road, major of age,
Alto Porvorim, Goa.

..... Petitioners.

Versus

1. Chief Town Planner, Office of
the Town Planner, Town and
Country Planning Department,
Mapusa Goa.

2. Village Panchayat of Pilerne,
Bardez-Taluka, Goa.

..... Respondents.

Mr. V. A. Lawande and Ms. P. Kaur, Advocates for the petitioner.

Mr. S. Dhargalkar, Additional Government Advocate for the
respondent no.1.

Mr. Y. V. Nadkarni, Advocate for the respondent no. 2

**Coram:-F. M. REIS,
K. L. Wadane,JJ.**

Date:-30th September, 2015.

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. V. A. Lawande, learned Advocate
appearing for the petitioner, Mr. S. Dhargalkar, learned
Additional Government Advocate appearing for the respondent
no.1 and Mr. Y. V. Nadkarni, learned Advocate appearing for the
respondent no. 2.

2. Rule. Heard forthwith with the consent of the

learned counsel appearing for the parties. The learned Government Advocate/Advocate for the respondents waives service.

3. We have extensively heard Shri V. Lawande, learned counsel appearing for the petitioner, Mr. Y. V. Nadkarni, learned counsel appearing for the respondent no. 2 and Mr. S. Dhargalkar, learned Additional Government Advocate appearing for the respondent no.1.

4. The main grievance of the petitioner is that an application for occupancy certificate came to be filed by the petitioner on 1.4.2009 which was kept in abeyance as there was dispute as to whether land where such construction activities were put up was agricultural land or such land is coming within the settlement zone. Pursuant to the order of the Town Planner dated 9.2.2009, this Court by an order dated 19.7.2010 passed in Writ Petition No. 306/2009 had inter alia directed Chief Town Planner to ascertain as to what was the use/zone of the subject land under Survey no. 206/2 of village Pilerne in the Regional Plan 2001.

5. Pursuant to the said directions of this Court it appears that Chief Town Planner has submitted report along with affidavit dated 5.10.2010 whereby it has been inter alia

come to the conclusion that the subject land falls within the settlement zone. In view of the said report of the Chief Town Planner, the petitioner has filed an application before the respondent no.1 to revoke the order keeping the NOC of the petitioner in abeyance. As no decision on that count was received by the petitioner, the above Writ Petition came to be filed praying inter alia to direct the respondent no.1 to withdraw the said order keeping the NOC in abeyance and consequently, direct the respondent no. 2 to issue occupancy certificate.

6. The learned Additional Government Advocate upon instructions of the Senior Town Planner who is present in the Court states that process of revoking the order dated 9.2.2009 shall be completed by the respondent no.1 within a period of two weeks from today and appropriate decision on that count shall be taken on the application dated 10.7.2014. Upon receipt of the said decision, the respondent no. 2 shall proceed to issue occupancy certificate in terms of the application dated 1.4.2009 in accordance with law.

7. Rule stands disposed of accordingly.

K. L. WADANE, J.
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F. M. REIS, J.