

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 146 OF 2015

MR. JOHN FRANCISCO FERNANDES. ... Petitioner
Versus
THE STATE OF GOA THROUGH CHIEF
SECRETARY, GOVT. OF GOA AND 9
ORS., ... Respondents

Ms. G. Almeida, Advocate for the petitioner.
Shri A. N. S. Nadkarni, Advocate General with Shri A. Prabhudessai,
Additional Govt. Advocate for respondents No.1,3,4,6 and 7.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 4th March, 2015

P.C.:

Heard Ms. G. Almeida, learned Counsel appearing for the petitioner and Shri A.N.S. Nadkarni, learned Advocate General appearing for respondents No.1,3,4, 6 and 7.

2. The main grievance of the petitioner in the above writ petition is essentially that respondents No. 2 to 7 have not taken any action with regard to the illegal construction being put up by the respondents No.8 to 10.

3. During the course of hearing of the above writ petition, Shri A.N.S. Nadkarni, learned Advocate General has brought to our notice that the Block Development Officer-respondent No.3, by Stop

Notice dated 29/01/2015, has taken action with regard to the subject-construction. However, it was pointed by learned Advocate Shri E.O. Mendes, appearing on behalf of the petitioner, on the last date of hearing that despite of such stop notice, the construction activity was continuing at the site, by the private respondents.

4. Respondent No.3 has today filed an affidavit along with photographs, to put on record that in fact, such construction activity is not going on at the site and that action in terms of law would be initiated by the said Authority, expeditiously. It was also brought to our notice that hearing of the show cause notice is fixed today at 11.30 a.m. before the learned Deputy Collector, Mormugao. The learned Counsel appearing for the petitioner submits that the petitioner be given liberty to appear before the said Authority.

5. Considering the facts and circumstances of the case, as action has already been initiated by the Authorities, we find it appropriate to dispose of the above writ petition at this stage. Needless to say that the concerned Authorities shall proceed in any such proceedings in accordance with law. The petitioner, if so advised, is at liberty to file an appropriate application for intervention before the concerned Authority. All the contentions of both the parties, on merits, with regard to the subject-construction, are left open.

6. The petition stands disposed of in the above terms, with no order as to costs.

K. L. WADANE, J.

F. M. REIS, J.

ssm.