

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 155 OF 2015

PRUDENTIAL GROUP @ RISARA
PROPERTIES, REPRESENTED THROUGH
ITS MANAGING PARTNER MR.GAURANG
SUCTANCAR.

... Petitioner

Versus

NORTH GOA PLANNING AND DEVELOPMENT
AUTHORITY, THROUGH ITS MEMBER
SECRETARY AND ANR.,

... Respondents

Mr.Parag S Rao, Adv.forthe petitioner
Mr. D.Lawande, AGA for respondent no.1.
Mr.J.E.Coelho Pereira, Senior Advocate with Mr. Arjun F. Naik,
Advocate for R.no. 2.

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

Date:- 11th August, 2015

P.C.

Heard Mr. Parag S. Rao, learned Advocate for the petitioner, Mr. D.Lawande, learned Additional Government Advocate for the respondent no.1. and Mr. Coelho Pereira, learned Senior Advocate for the respondent no.2 and

2. Affidavit-in-reply filed by the respondent no.2 is taken on record.

3. The learned Advocate appearing for the petitioner submits that the above petition, inter alia, seeks direction to the respondent no.1 to comply with the order dated 24th June, 2011 issued by the

authorities. The learned counsel further points out that the order is still in operation and that the authorities are not taking steps to comply with such order. The learned Advocate further points out that according to the petitioner, an attempt made by respondent no.2 for regularization of the subject construction, has been rejected on 26th November, 2014. The learned Advocate further points out that as the authorities are not complying with the orders passed for demolition of the subject construction, the petitioner was forced to file the above petition.

4. On the other hand, the learned AGA appearing for the respondent no.1 states that any action in terms of the said order dated 26th June, 2011 shall be taken by the respondent no.1 in accordance with law. Shri Coelho Pereira, the learned Senior Advocate appearing for the respondent no.2 has pointed out that the petitioner itself committed illegalities and that the above petition is only to camouflage since illegal activities. The learned Advocate further pointed out that the respondent no.2 has already filed an appeal challenging the said order which is pending before the Board. The learned Counsel further points out that the petitioner is illegally attempting to demolish the residential house of the respondent no.2 on erroneous consideration.

5. Upon hearing the learned Advocates appearing for the respective parties, we do not propose to proceed to examine the

merits of the rival contentions with regard to the subject construction.

Taking note of the contention of Mr.Lawande,the learned Government Advocate appearing for the respondent no.1 that any action pursuant to the said order dated 24th June,2011 would be taken in accordance with law, we find that accepting the said statement, nothing would survive in the above writ petition. In case, the respondent no.2 has filed any appeal before the Board, such appeal shall be examined on its own merits in accordance with law, preferably within six months.

6. With the aforesaid direction, the petition is disposed of.

K. L. WADANE, J.

F. M. REIS, J.

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