

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 190 OF 2015****MR. DINESH LAXIMAN HARMALKAR**

... Petitioner

Versus

**THE SARPANCH/SECRETARY, VILLAGE
PANCHAYAT OF COLVALE**

... Respondent

Shri Prasheen Lotlikar, Advocate for the Petitioner.

Shri Valmiki Menezes, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.**Date:- 12th October, 2015****ORAL ORDER:**

Heard Shri P.S. Lotlikar, the learned Counsel for the petitioner and Shri V. Menezes, the learned Counsel for the respondent.

2. The learned Counsel for the petitioner has tendered copy of the communication dated 22/09/2015 issued by the Deputy Town Planner refusing to give technical clearance for regularization of the farm house and the Well situated in Survey No.159/0 at Village Colvale for the following reasons:

1. Property under reference as per Form I & XIV the name of tenant is reflected in tenant column.
2. The Government has decided to re-

examine the existing far house guide. Hence, it is decided not to issue any technical clearance until the guide license/policy are furnished.

The letter is taken on record and marked 'X' for identification.

3. It is submitted that the petitioner has a remedy of an appeal under Section 45 of the Town and Country Planning Act against the said order/communication before the Town and Country Planning Board. It is also submitted that the petitioner intends to avail of said remedy.

4. In that view of the matter, Shri P. Lotlikar appearing for the petitioner, on instructions from the petitioner, who is present before the Court, seeks permission to withdraw the petition with a request that the stay which is operating in this petition be continued for a period of three weeks in order to enable the petitioner to challenge the order/communication dated 22/09/2015. The learned Counsel also submits, on instructions, that if the petitioner is unable to obtain any stay from the competent Authority, the petitioner shall demolish the structure at his own costs. The statement is accepted.

5. Shri V. Menezses, the learned Counsel for the respondent has no objection for extension of stay for a period of three weeks.

6. In that view of the matter, the Writ Petition is disposed of as withdrawn. The stay operating shall continue for a period of three weeks, on the expiry of which the stay shall automatically stand vacated. In the circumstances there shall be no order as to costs.

C. V. BHADANG, J.

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