

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 107 OF 2008**

Mr. Minguel Joao Martins,
major of age, landlord,
residing at Martins
Morod, Taleigao,
P.O. Caranzalem Goa. ... Petitioner

V e r s u s

1. State of Goa,
through the Secretary,
Urban Development, with his office at
the Secretariat, Porvorim Goa.
2. North Goa Planning & Development
Authority, through its Member-Secretary,
with its office at Archdiocese Building,
1st Floor, Mala Link Road,
Panaji Goa.
3. Village Panchayat of Taleigao,
Taleigao-Ilhas Goa, through its
Secretary,
4. P. N. Covalkar & Others, C/o T.T.
Construction, 1st Floor, Active Chambers,
Opp. 'Status Show room', Panaji Goa.
5. Mr. Tony Rodrigues, Proprietor/
Partner of T. R. Constructions, with his
office at 1st Floor, Active Chambers,
Opp. 'Status Showroom',
Panaji Goa. Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. P. Hegde, Advocate for
the petitioner.

Mr. M. Salkar, Government Advocate for respondent nos. 1 and 2.

Mr. H. D. Naik, Advocate for respondent no.3.

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

Date :- 23rd March, 2015

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

Heard Mr. S. D. Lotlikar, learned Senior Counsel appearing for the petitioner, Mr. M. Salkar, learned Government Advocate for the respondent nos.1 and 2 and Mr. H. Naik, learned counsel appearing for the respondent no.3.

2. The above petition inter-alia seeks for a relief directing the respondent nos.2 and 3 to forthwith revoke and cancel the development permission granted vide order dated 16.10.2006 and construction licence dated 03.01.2007. The petitioner has also sought a relief directing the respondent nos. 2 and 3 to forthwith revoke and cancel the development permission granted vide order dated 04.04.2008.

3. At the time of the admission of the above Writ Petition, this Court by an interim order dated 19.06.2008 had inter-alia directed the respondent nos. 4 and 5 not to make any construction beyond 11.50 metres in height.

4. The respondent No.2 NGPDA filed an affidavit inter-alia pointing out that in the meanwhile the respondent nos. 4 and 5 had sought for revised development permission which came to be granted by order dated 04.04.2008. The details of F.A.R. and other requirements permitted by the authorities have been specified at para 9 of the said affidavit. It is also pointed out that the height of the building under dispute is maintained at 11.50 metres.

5. Mr. Lotlikar, learned Senior Counsel appearing for the petitioner during the course of the hearing upon instructions of the petitioner has pointed out that as the building construction has already been completed and the height maintained by the respondent nos. 4 and 5 is 11.50 metres, the respondents should not be permitted to carry out any deviation to the approved revised plans as per the said order dated 04.04.2008. Mr. Naik, learned counsel appearing for the respondent no.3 has pointed out that the authorities shall not permit any deviation contrary to law and in fact shall take necessary action in case the conditions as stipulated in the said licence are not complied with. Taking note of the said statement of Mr. Naik, learned counsel appearing for the respondent no.3 upon instructions of the authorities which is accepted, we find that the grievances of the petitioner are

substantially redressed. Needless to say that the respondent nos. 4 and 5 shall abide with the conditions imposed in the said order dated 04.04.2008 and maintain the height of 11.50 metres as stated therein. Rule stands disposed of accordingly.

K. L. WADANE, J

F. M. REIS, J

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