

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 255 OF 2015

IN

PUBLIC INTEREST LITIGATION WP NO. 15 OF 2014

MR. TRAJANO D'MELLO.

... Applicant

Versus

STATE OF GOA, THROUGH ITS CHIEF
SECRETARY.

... Respondent

Mr. Rohit Bras De Sa, Advocate for the applicant.

Ms. P. Bhandari, Additional Govt. Advocate for the respondent No.1.

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

Mr. S. D. Lotlikar, Senior Advocate with Ms. C. Padgaonkar,
Advocate for the respondent No. 4.

Mr. D. Pangam, Advocate for the respondent No.5.

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

Date:- 3rd August, 2015

P.C.:

Heard Mr. Rohit Bras De Sa, learned Counsel appearing for the applicant, Ms. P. Bhandari, learned Additional Govt. Advocate appearing for the respondent No.1, Mr. Y. V. Nadkarni, learned Counsel appearing for the respondent No.2, Mr. S. D. Lotlikar, learned Senior Counsel appearing for the respondent No. 4 and Mr. D. Pangam, learned Counsel appearing for the respondent No.5.

2. This is an application filed by the applicant, inter alia, seeking assistance and guidance of the learned Advocate General or the State Government machinery to discover who has purchased the

shops and the flats in the subject building or in the alternative to direct the respondents No.4 and 5 to disclose the names of the persons who have purchased such premises.

3. Mr. Rohit Bras de Sa, learned Counsel appearing for the applicant has pointed out that though directions have been issued by this Court to implead the occupants of the said building, the petitioner is not in a position to get the names and, as such, according to the petitioner, the State should be directed to furnish such names. The learned Counsel has, thereafter, taken us through an agreement dated 30/05/2014 between the private parties with regard to the subject-property and the approved plans of the subject building to point out that the persons whose names are reflected therein have sold the shops and flats therein whose names the petitioner is not in a position to procure. The learned Counsel, as such, submits that that it would be appropriate to direct the State Government to investigate and furnish the names of the concerned persons occupying the disputed premises.

4. On the other hand, Mr. S. D. Lotlikar, learned Senior Counsel appearing for the respondent No.4 has pointed out that despite of the directions six months back, the petitioner is unnecessary delaying the hearing of the above writ petition. Mr. D. Pangam, learned Counsel appearing for the respondent No.5 also supports the contention of Mr. S. D. Lotlikar, learned Senior Counsel

and points out that the petitioner is very well aware of the names of such persons and is unnecessarily delaying the matter.

5. Mr. Y.V. Nadkarni, learned Counsel appearing for the respondent No.2 has pointed out that the present Committee of the Comunidade has taken charge only after the disputed transaction and, as such, according to him, the Comunidade is not aware about such transactions.

6. Upon hearing the learned Counsel and on perusal of the records, we find that on 13th January, 2015, the learned Counsel appearing for the petitioner has pointed out that the petitioner would take necessary steps to verify and implead persons. Besides that, the petitioner has also not brought on record the persons referred to in the agreement dated 30/05/2014. On perusal of the plan produced by the petitioner at page 95, we find that in respect of the shops/flats depicted therein, there are names of some persons to whom such premises are being allotted. It is the contention of Shri De Sa that as per information, the said persons have already disposed of the shops/flats to some third parties. This aspect cannot be verified at this stage, unless the petitioner takes steps to implead all the persons whose names are reflected and shown in the said plan and the parties referred to in the said agreement.

8. Apart from that, the petition is yet to be admitted and

consequently, issuing directions in the manner as sought by the petitioner, are not at all justified, at this stage.

9. Subject to the above, the application stands rejected.

K. L. WADANE, J.

F. M. REIS, J.

ssm.