

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 19 OF 2015

SHRI PEDRO MENINO ANDRADE. ... Appellant
Versus
SHRI BALTAZAR ANDRADE AND 5 ORS., ... Respondents

Mr. Zeller C. De Sousa, Advocate for the appellant.
Mr. Subhash Kerkar, Advocate with Mr. Vallabh Pangam, Advocate for the respondents No.1 to 4.
Mr. Amey Shetye, Advocate for the respondent No.5.
Mr. Pravin Faldessai, Additional Government Advocate for the respondent No.6.

Coram:- M. S. SANKLECHA, J.

Date:- 5th May, 2015

P.C.

At the request of the counsel this appeal is being disposed of at the stage of admission.

2. This appeal challenges the order dated 23 March 2015 passed by the Ad-hoc District Judge, South Goa, Margao.

3. By the impugned order, the appellant's application for temporary injunction restraining respondents No.1 to 4 from reducing the pathway / access as shown in the plan approved by the Mormugao Planning and Development Authority - respondent No.5, till the final disposal of the suit and also an injunction to restrain the respondents No.1 to 4 from carrying out any reconstruction activity in terms of the plan approved by the respondent No.5, was dismissed.

4. So far as, the impugned order dismisses the appellant's application seeking to restrain the respondents No.1 to 4 from

carrying out any construction activity in terms of the approved plan is concerned, the same calls for no interference / modification.

5. However, so far as the appellant's grievance of the only pathway / access available to his house being blocked is concerned, Mr. Kerkar, learned counsel for the respondents No.1 to 4 on instructions states that they would not block the pathway / access, which is available to the appellant as per the plan approved by the respondent No.5. The plan which is annexed at Exh.'F' collectively (page 38 of the appeal memo) inter alia shows in red colour a pathway / access available to the appellant to approach his house from the main road. This pathway Mr. Kerkar states will not be disturbed. In view of the above, the impugned order dated 23 March 2015 is modified to the above extent and the access in terms of the plan dated 5 March 2014 approved by the respondent No.5 will be available to reach his house from the main road pending the final disposal of the suit.

6. Save the above modification of the impugned order, the rest of the order is left undisturbed.

7. The order of Status quo granted by this Court on 20 April 2015 stands vacated.

8. Accordingly, appeal is disposed of in above terms. No order as to costs.

M. S. SANKLECHA, J.

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