

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 465 OF 2014

SHRI SURYAKANT SHETGAONKAR ... Petitioner

Versus

SARPANCH / SECRETARY AND 2 ORS. ... Respondents

Mr. Ashwin D. Bhobe, Advocate for the Petitioner.

Mr. G. Naik, Advocate for Respondent No.1.

Ms. Susan Linhares, Additional Government Advocate for Respondents No.2 & 3.

Coram:- N. M. JAMDAR, J.

Date:- 17 February 2015

ORAL ORDER :

By this petition, the petitioner challenges the order passed by respondent no.1-Village Panchayat of Morjim dated 23 July 2014 not regularising the structure of the petitioner.

2. The petitioner had filed a Writ Petition No.317/2013 challenging the order passed by the District Judge, Mapusa confirming the orders passed in the proceedings taken out against the petitioner in respect of unauthorised construction. The Writ Petition was dismissed on 11 October 2013. This Court observed that if the petitioner applies for regularisation of the structure the same request be considered as per law. The petitioner thereafter made an application for regularisation in July 2014 i.e. 9 months after the order was passed by this Court. The application was rejected on 23 July

2014 i.e. on the same day.

3. In this petition, affidavit in reply has been filed on behalf of the respondent no.1-Village Panchayat placing on record that demolition is substantially carried out and the order of status quo passed in the present petition was served after the demolition was substantially complete.

4. Mr. A.D. Bhobe, the learned Counsel for the petitioner submitted that the Village Panchayat has acted with haste and as on today only part of the structure has been demolished and he may be permitted to re-erect the structure after regularising it. Mr. G. Naik, the learned Counsel for respondent no.1 objects to the same and states that the demolition is complete. He also states that there is a dispute as regards the ownership of the petitioner and disputes the statement in the petition as to who had filed the complaint.

5. The structure of the petitioner is now declared to be unauthorised. The petitioner applied for regularisation after 9 months. The grievance of the petitioner that the respondent no.1-Village Panchayat acted with haste cannot be accepted, as without there being any regularisation application, no action was taken by the Panchayat for 9 months.

6. Considering the facts and circumstances, the delay on part of the petitioner and the consequential result of the delay i.e. demolition of the structure, no relief can be granted in this present petition. The Writ Petition is accordingly rejected.

Interim order stands vacated.

N. M. JAMDAR, J.

NH