

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO. 15 OF 2015

1. Mr. Ivan Dias,
Age 44 years,
Father's name Maurice Dias,
Address
Bairo Polvaddo
St. Estevam,
Ilhas Goa 403106.
Annual Income Rs.4,00,000/-
Pan No. BDBPD1087P
Telephone 9767505476.
2. Mr. Cleophas Torres
Age 42 years
Father's name Juvenal Torres
Address H. No. 244, Palmar Vaddo,
St. Estevam,
Ilhas Goa Pin 403106
Annual Income Rs.4,00,000/-
PAN No. AHLPT3801C
Telephone 9420119759

..... Petitioners

V e r s u s

1. The State of Goa
Through its Chief Secretary
Government of Goa,
Porvorim, B"ardez, Goa.
2. The Village Panchayat,
Through its Secretary,
St. Estevam Tiswadi, Goa.
3. The Chief Town Planner,
Town and Country Planning Dept.
Government of Goa,
Panaji, Goa,.
4. The Deputy Collector,
Tiswadi, Collectorate, North Goa,
Panaji Goa.
5. Mr. Joaquim Monteiro,
Major, President of St. Stephens Sports Club,
of St. Estevam,
Resident of Palmar St. Estevam,

Tiswadi, Goa. Presently residing at Flat No. 101,
Paulina Apartment,
St. Marry Colony,
Miramar.

6. The Comunidade of Jua
Through its Attorney
Jua, St. Estevam,
Tiswadi, Goa.

..... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioners.

Mr. P. Dangui, Addl. Government Advocate for the Respondent nos. 1, 3 and 4.

Mr. C. A. Ferreira and Mr. Jude Dias, Advocates for the Respondent nos. 5 and 6.

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

Date : **27th August, 2015**

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

Heard Shri Nigel Da Costa Frias, learned Counsel appearing for the Petitioners, Mr. Dangui, learned Addl. Government Advocate appearing for the Respondent nos. 1, 3 and 4 and Shri Ferreira, learned Counsel appearing for the Respondent nos. 5 and 6.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondent nos. 1, 3, 4, 5 and 6, waives service.

3. The above Petition, inter alia, takes exception to the construction activity initiated by Respondent no. 5 in the property surveyed under no. 133/8 and 133/9 of Village Jua at St. Estevam.

4. It is pointed out by the learned Counsel appearing for the Petitioner, that the Respondent no. 2 has already issued a Stop Work Notice on the Respondent no. 5 with regard to the subject construction by notice dated 06.08.2015 which is at annexure R1. The Respondent no. 4 has also issued another Stop Work Order dated 06.08.2015 on account of alleged illegal conversion of the subject land. Such notice is at annexure R2.

5. Learned Addl. Government Advocate appearing for the Respondent no. 4, has pointed out that the hearing of the said Show Cause Notice is posted for today and the learned Deputy Collector shall proceed to take a decision on such Stop Work Notice after hearing the parties in accordance with law.

6. Shri Nigel Da Costa Frias, learned Counsel appearing for the Petitioners, however points out that the Petitioners apprehend that the Respondent no. 5 may proceed to put up a construction without complying with the Statutory Regulations despite of Stop Work Notices being issued by the Statutory Authorities. But, however, Respondent no. 5 has filed an affidavit, inter alia, stating at para 7 that they have no intentions to carry out any construction activity in the subject property nor put up any construction in future without complying with all the statutory regulations in accordance with law.

7. Shri Ferreira, learned Counsel appearing for the Respondent nos. 5 and 6, pointed out that said statement on behalf of Respondent no. 5 at para 7, may be treated as an undertaking to the Court considering the assurance of the

learned Addl. Government Advocate appearing for the Respondent no.4 that the show cause notice issued by the Respondent no.4 shall be decided after hearing the concerned parties in accordance with law and accepting the said statements of the Respondent no. 5, we find it appropriate to dispose of the Petition and direct the Respondent no. 2 to take a decision with regard to the Stop Work Order dated 06.08.2015 at Annexure R1 and deal with the complaints lodged by the Petitioners with regard to the subject construction after hearing the parties in accordance with law. All contentions of the parties on merits are left open.

8. With the aforesaid directions, Rule stands disposed of.

9. Liberty to the Petitioners, if so advised, to file an application for intervention with the concerned Authority in accordance with law.

K. L. WADANE, J.

F. M. REIS, J.

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