

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 725 OF 2010.

Shri Aditya Puri,
By his constituted attorney Mr.
Edwin T. de Menezes, R/o E-464,
Corte de Oiteiro, Panaji, Goa Petitioner.

Versus

1. The Deputy Collector & SDO,
Panaji Goa.
2. State of Goa By the Mamlatdar,
Tiswadi, Panaji Goa. Respondents.

Mr. A. F. Diniz, Advocate for the petitioner.

Mr. A. N. S. Nadkarni, Advocate General with Ms. S. Linhares,
Additional Government Advocate for the respondents.

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

Date:-16th June, 2015.

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

Heard Mr. A. F. Diniz, learned counsel appearing for the petitioner and Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondents.

2. The short grievance which emerges upon hearing the learned counsel appearing for the respective parties is the validity or otherwise of the impugned order dated 11.10.2010 passed by the respondent no.1 invoking powers under the Goa

Land (Prohibition on Construction) Act, 1995 and directing the demolition of disputed structure.

3. Shri Diniz, learned counsel appearing for the petitioner has raised two main contentions, one is that the impugned order passed by the respondent no.1 is without giving a proper hearing to the petitioner and the other is challenging the constitutional validity of the said Act, 1995.

4. During the course of hearing of the above petition, Shri Nadkarni, learned Advocate General has pointed out that the respondent no.1 shall decide the show cause notice dated 1.10.2010 afresh after giving an opportunity to the petitioner of being heard and pass a reasoned order in accordance with law. The petitioner shall be at liberty to file a reply to the show cause notice along with documents on which they rely. The challenge to the constitutional validity of the said Act, 1995 is kept open.

5. In view of the above, we pass the following:-

ORDER

- i. The impugned order dated 11.10.2010 passed by the respondent no.1 is quashed and set aside.
- ii. The respondent no.1 is directed to hear the petitioner on the show cause notice dated 1.10.2010 in the light of the observations made herein above in

accordance with law.

- iii. The petitioner shall appear before the respondent no.1 on 23.6.2015 at 10.30a.m.
- iv. All contentions of both the parties on merits as well as the said challenge to the Act, 1995 are kept open.
- v. Rule is made absolute in the above terms, with no order as to costs.

K. L. WADANE, J.
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F. M. REIS, J.