

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST WRIT PETITION NO. 23 OF 2014

WITH

MISC. CIVIL APPLICATION NO. 483 OF 2015

1. Mr. Alwyn Michael D' Sa,
64 years of age,
Resident of House no. 569,
Miramar, Panaji, Goa.
Mobile no. 9326115780
Pan No. ABXPT3250G,
Email: alwynmdsa@gmail.com,
Annual Income About Rs.2,00,000/-
2. Aurelio D' Sa,
65 years of age,
Resident of House No. 791/A,
Stella Maris Appts.,
St. Mary Colony, 2nd Lane,
Miramar, Panaji, Goa.
Mobile no. 7875239054
PAN No. BCEPD0888A,
Email : aurelio123@rediffmail.com
Annual Income : About 2,00,000/-
3. Mr. Dattaram Y. Desai,
68 years of age,
Resident of Sapphire U.G. 1 19/234,
Behind Syndicate Bank,
Caranzalem Goa, 403 002,
Mobile No. 9561778219
PAN No. ACJPD3217B
Annual Income : About Rs.1,50,000/-.
4. Mr. Krishnanath A. Chodankar,
55 years of age,
Resident of House No. 1360,
Kerem, Chorao, Ilhas, Goa.
Mobile No. 9923983015
PAN No. AXBPC9549E,
Email : Nil.
Annual Income about Rs.2,50,000/-.

5. Mr. Rosario Menezes,
67 years of age,
Resident of C-6 Sapana
Enclave-1 Co-op Hsg. Soc.,
Vaddem, Vasco da Gama, Goa.
Fax No. : NIL
Mobile No. AHSPM7040D
National Unique Identity number : NIL
Email : menezes.r@rediffmail.com
Annual Income : About Rs.5,00,000/-
Rs.8,00,000/- Petitioners

V e r s u s

1. The Mayor,
Corporation of the City of Panaji,
Panaji, Goa.
2. The Commissioner,
Corporation of the City of Panaji,
Panaji, Goa.
3. Director of Municipal Administration,
Government of Goa,
Collectorate Building,
Panaji, Goa.
4. State of Goa,
Through Chief Secretary,
Secretariat , Porvorim, Goa. ... Respondents
5. Panaji Municipal Market Tenants Association,
Through its General Secretary,
Mr. Dharmendra R. Bhagat,
Having office at Municipal Market,
Panaji, Goa. Intervenor no. 1
6. Mr. Naresh Mane,
Major of age, Indian National,
resident of DX2, Solanki Heights,
Alto Betim, BARdez, Goa. Intervenor no. 2
7. Mrs. Samita B. Palekar,
Major of age, Indian

National, resident of H.
No. 645, Kevnem,
Taleigao, Ilhas, Goa.

....Applicant/Intervenor no. 3

8. Mrs. Sruti L. Tari,
Major of age, Indian
National, resident of
Flat no. A 302, 3rd Floor,
Dhanlaxmi Nagar, Bhatlem,
Panaji, GOa.

....Applicant/Intervenor no. . 4

9. Mr. Chetannath S. Goswami,
major of age,
Indian National, resident
of H. No. 15/40, FS-1, 2nd Floor,
Tamdi Mati, Madhu Vihar,
St. Inez, Panaji, Goa.

....Applicant/Intervenor no. 5

Mr. Pavithran AV, Advocate for the Petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Ms. P. Bhandari, Addl.
Government Advocate for the Respondent nos. 3 and 4.

Mr. A. D. Bhobe, Advocate for the Respondent nos. 1 and 2.

Mr. H. D. Naik, Advocate for the Intervenor no. 1.

Mr. Nitin Sardessai, Senior Advocate with Mr. Deep Shirodkar, Advocate for
the Applicants/Intervenor nos. 2, 3, 4 and 5 in Misc. Civil Application no.
483/15.

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

Date : **28th July, 2015**

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

Heard Shri Pavithran AV, learned Counsel appearing or the
Petitioners, Mr. A. N. S. Nadkarni, learned Advocate General appearing for

the Respondent nos. 3 and 4, Mr. A. D. Bhobe, learned Counsel appearing for the Respondent nos. 1 and 2, Mr. H. D. Naik, learned Counsel appearing for Intervenor no. 1 and Shri Sardessai, learned Senior Counsel appearing for the Applicants/Intervenor nos. 2, 3, 4 and 5.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the respective Respondents/Intervenors waive service.

3. The above Public Interest Litigation, filed by the Petitioners, prays for different reliefs but, however, during the course of the hearing of the above Petition, we find it appropriate to examine only two directions sought in the Petition one to the effect that the Respondent nos. 1 and 2 on behalf of the City Corporation of Panjim be directed to take action with regard to the recovery of the arrears of the rent/licence fees in respect of the premises belonging to the Corporation situated at the newly constructed premises of the City of Corporation of Panjim located at Panjim Municipal market and the other is to consider taking action against the occupants of the premises of such building who are illegally occupying such premises.

4. At the last date of hearing, we had called upon the Corporation to put on affidavit the steps they intend to take with regard to the said two grievances. Accordingly, an affidavit has been filed by the Respondent no. 2,

inter alia, stating at paras 4, 5 and 6 that the Corporation intends to take steps in connection with the said actions. The averments therein read thus :

“4. I say that the license fee/compensation will be increased at the rate of 10% each year.

5. I say that as there was no response from the occupants of the said premises, the Corporation of City of Panaji has commenced the process under the Goa Public Premises Act/Municipalities Act for eviction of the uillegal occupants of the premises belonging to the Corporation of City of Panaji and the said process will be completed as expeditiously as possible.

6. I say that presently on account of the illegal occupation of the premises belonging to Corporation of the City of Panaji, the Corporation apart from losing revenue is incurring huge expenditure towards payment of maintenance of the said market complex/premises, payment of electricity, water dues etc. (Electrical Charges as per Bill No. BAB002F150176 dated 15th June 2015 are Rs.2,18,20,165/- and Water Charges as per Bill No. 370 dated 02nd July is Rs.44,46,687/-).”

5. Shri Sardessai, learned Senior Counsel appearing for the applicants who have filed an application for intervention on behalf of some of

the occupants of the premises of the said building submits that such occupants have an apprehension that any observations of this Court may be misinterpreted to mean that the occupants of the building are illegally occupying such premises.

6. In such circumstances, we find it appropriate to direct that action to be initiated by the City Corporation of Panjim for the recovery of the arrears of rent/licence fees of the occupants of the premises as well as action, if any, be initiated against any illegal occupants within six months from today in accordance with law. Needless to say, all contentions of the occupants, if any, in any such proceedings are left open. Rule in the above terms.

7. Petition with Misc. Civil Application stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

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