

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.805 of 2015

1. Mr. Humberto F. De J. D'Cunha
Major in age, son of Late Braz
D' Cunha, Resident of House
No.792/4, Malwara, Pilar,
Tiswadi-Goa .. Petitioner

VERSUS

1. The State of Goa,
Represented by its Chief Secretary,
Secretariat, Porvorim, Goa.
2. The Director of Panchayats,
Directorate of Panchayats,
North Goa, Junta House,
Panaji-Goa.
3. The Town Planner,
Town and Country Planning
Department,
Panaji, Goa.
4. The Village Panchayat of St.
Lawrence Agassaim,
Through its Secretary
Agassaim, Tiswadi, Goa.
5. Mr. Renato D'Cruz Gracias,
Major in age, and his wife,
6. Mrs. Julia Rebeiro Gracias,
Major in age,
Both residents of House No.773,
Malwara, Agassaim, Ilhas, Goa. .. Respondents

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

Mr. Manish Salkar, Government Advocate for the respondent nos.1, 2 and 3.

Mr. V. Palyekar, Advocate for the respondent no.4.

CORAM :- F. M. REIS, &

C. V. BHADANG, JJ

DATE : 9th December, 2015

ORAL JUDGMENT : (Per F. M. REIS, J.)

Heard Shri Nigel D'Csotha, the learned Counsel appearing for the petitioner, Shri Manish Salkar, the learned Government Advocate for the respondent nos.1 to 3 and Shri V. Palyekar, the learned Counsel appearing for the respondent no.4.

2. Rule. Rule is made returnable forthwith.

3. The learned Counsel for the respondents waive service.

4. With the consent of the learned Counsel for the parties heard forthwith.

5. Upon hearing the learned Counsel appearing for the respective parties, it appears that the grievance raised by the petitioner at this stage is that there is demolition of the subject construction and on 14/03/2011 liberty was given to the private respondent nos.5 and 6 by this Court to file an application for

regularisation before the local Panchayat respondent no.4. Shri Nigel D'Costa Frias, the learned Counsel appearing for the petitioner submits that no final decision has been taken in connection with such regularisation by the respondent no.4 local Panchayat.

6. Shri Salkar, the learned Government Advocate appearing for the respondent nos.1 to 3 points out that in case the local Panchayat /respondent no.4 submits such an application for technical approval, the concerned authorities shall examine such application as expeditiously as possible, in accordance with law.

7. Considering the rival contentions and grievance sought to be raised by the petitioner at this stage, we find that we can conveniently dispose of the above writ petition, by directing the local Panchayat/ respondent no.4 to submit the application for regularisation to the respondent no.3 within four weeks from today. After receipt of such an application, the respondent no.3 shall proceed to examine such application in accordance with law as expeditiously as possible, within two months thereafter. The respondent no.4 shall proceed thereafter to examine such application for regularisation in accordance with law, within a period of one month.

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

9. Needless to say that all the contentions of the private respondents are kept open as we have not examined the merits of the rival contentions.

10. The writ Petition stands disposed of accordingly.

Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

F. M. REIS, J.

SMA