

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 88 OF 2015

Mr. Abul Kadar Shah,
s/o. Mr. Usman Shah, major,
r/o Usman Apartments,
Ground Floor, Aquem,
Margao, Goa.

..... Petitioner

V e r s u s

1. The Chief Officer,
Margao Municipal Council,
Margao, Salcete, Goa.

2. The Goa Municipalities Appellate Tribunal,
having its seat at Panaji, Goa.

..... Respondents

Mr. Ryan Menezes, Advocate for the Petitioner.

Mr S. D. Padiyar, Advocate for the Respondent no. 1.

Coram :- **C. V. BHADANG, J**

Date : **21st April, 2016**

ORAL JUDGMENT

Heard.

2. By this Petition, the Petitioner is challenging the Judgment and Order dated 16.09.2014 passed by The Goa Municipalities Appellate Tribunal at Panaji, in Municipal Appeal no. 68 of 2008 by which a final notice dated 17.10.2008 issued by the first Respondent for demolition has been confirmed.

3. It is submitted by the learned Counsel for the Petitioner, on instructions, that the Petitioner is intending to apply for regularization of the

structure.

4. The statement to that effect was also recorded on 11.03.2016 and subsequently in the Order dated 15.04.2016. Today, it is submitted that an application in prescribed form has to be submitted to the Planning and Development Authority and the Petitioner would file such an application within a period of two weeks from today. Learned Counsel for the Petitioner submits that it being a temporary structure, the Petitioner was informed that it does not require any permission. Nonetheless, after the Planning Authority gives technical clearance, the Petitioner would apply to the first Respondent-Municipal Council for regularization.

5. The learned Counsel for the parties submit that the Petition could be disposed of in such circumstances.

6. I have perused the impugned order passed by The Goa Municipalities Appellate Tribunal and I do not find any reason to interfere with the same. The fact that the Petitioner is intending to apply for regularization, presupposes that the construction which was sought to be demolished was without any permission.

7. In such circumstances, I decline to entertain the Petition which is accordingly dismissed. The Petitioner is at liberty to file an application for regularization with the appropriate Authority in accordance with law. It is made

clear that this Court has not expressed any opinion as to the merits of the regularization application if filed.

In such circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

arp/*