

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 243 OF 2016

MARIA GILERMINA COELHO.

... Petitioner

Versus

SHRI JOAQUIM RODRIGUES AND ANR.,

... Respondents

Mr. Rohit Bras De Sa, Advocate for the petitioner.

Mr. Ashwin D. Bhobe, Advocate for the respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 11th August, 2016

P.C.

Heard Shri De Sa, the learned Counsel for the petitioner and Shri Bhobe, the learned Counsel for the respondent. None appears for the respondent no.2- Village Panchayat. The petitioner and the respondent no.1 are personally present before the Court.

2. The petition is disposed of by consent of the parties in the following terms :

(i) The petitioner undertakes to apply for obtaining permission/regularisation of the construction to the respondent no.2, within a period of two weeks from today.

(ii) On such an application being made, the respondent no.2 shall decide the said application in accordance with law, uninfluenced by the order passed in Miscellaneous Civil Appeal No.80/2015.

(iii) The petitioner shall be entitled to apply to the Trial Court for appropriate modification of the order of injunction, in the event she succeeds in obtaining permission/regularisation of the construction.

(iv) If such an application is made, the Trial Court shall pass necessary orders in accordance with law, in the context of the permission/ regularisation, if any, granted by the respondent no.2.

(v) The impugned order shall remain in force unless and until modified in accordance with clauses (iii) and (iv) above.

(vi) It is made clear that this Court has not expressed any opinion on the merits of the application for regularisation, which may be filed.

(vii) All rival contentions are left open.

(viii) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA