

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 181 OF 2016**

1. Village Panchayat Calangute,
Through its Sarpanch,
having office at
Calangute, Bardez Goa.
 2. Sarpanch,
Village Panchayat Calangute,
having office at
Calangute, Bardez Goa,
 3. Deputy Sarpanch,
Village Panchayat Calangute,
having office at
Calangute, Bardez Goa
- ... Petitioners

Versus

1. Director of Panchayat,
having office at,
3rd Floor, Junta House,
Panaji Goa,
2. Mr. Eknath Talkar,
Presently working as Secretary,
Village Panchayat Calangute,
Calangute, Bardez Goa.
3. North Goa Planning and Development Authority,
Through its member Secretary,
having office at Mala, Panaji Goa.
4. Mr. Sunil Kumar Gumber
5. Mrs. Bhawana Gumber,
Both major in age,
Both r/o A-166, Preet Vihar,
Delhi – 92,

6. Mr. Sumit Maluja,
major in age,
r/o B -65, Chanakya Palace,
Part – I, New Delhi, 59,

7. Mr. Suman Maluja,
major in age,
r/o 303, Arunodhya Appt.
H-Block, Vikaspuri,
New Delhi – 18.
(Respondent nos. 4 to 7 are
represented by their attorney
Mr. Raju Malhan,
r/o H. No.891/3,
Phidashte, Socoro,
Porvorim, Bardez Goa.

... Respondents

Mr. Pranay A. Kamat, Advocate for the petitioners.

Mr. P. Faldessai, Addl. Government Advocate for the respondent no.1.

Mr. A. Naik, Advocate for the respondent nos. 4 to 7.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 25th October, 2016

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

Heard Mr. P. A. Kamat, learned counsel appearing for the petitioners, Mr. P. Faldessai, learned Addl. Government Advocate appearing for the respondent no.1 and Mr. A. Naik, learned counsel

appearing for the respondent nos. 4 to 7.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respective respondents waive service.

4. The grievances of the petitioners - Local Panchayat in the above petition are two fold, one is that the memorandum issued by the Director of Panchayat - respondent no.1 dated 21.12.2015 is without any justification and that the technical approval granted by the NGPDA disclosing the access road as six metres in width is not found at loco.

5. Mr. P. A. Kamat, learned counsel appearing for the petitioners points out that in the meanwhile the respondent no.1 has withdrawn the memorandum dated 21.12.2015. As such, the challenge to such memorandum no longer survives.

6. With regard to the grievance raised by the petitioners to the effect that the six metres wide road is not found at loco, the respondent nos. 4 to 7 who are the owners of the property have shown in the approved plan the six metres wide access to the project in question, the learned counsel appearing for the said private respondents submits that such six metres wide access is found at loco and in fact the learned counsel relies upon an agreement dated 07.04.1995 in support of such contention. The technical approval has already been granted by the NGPDA based on such access. It is for the private respondents to satisfy the petitioners about the existence of such access road as disclosed in the approved plan at loco.

7. As such, the petitioners shall proceed to examine the granting of the license based on the technical approval granted by the NGPDA after having a joint inspection at loco to satisfy the above existence of the access road as shown in the plan attached to the technical approval granted by the NGPDA within six weeks from today. The petitioners shall intimate the date of such inspection to the concerned private respondents as well as their Advocate within one week from today so as to decide granting of license to the

private respondents. Rule is made absolute in the above terms. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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