

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 348 OF 2016

SHRI ANTONIO JOSE ANGELO AGUSTO
MACEDO THR. HIS CONT. ATT. SHRI
JOSE ANTONIO INACIO FILIPE
CALDEIRA.

... Petitioner

Versus

PONDA MUNICIPAL COUNCIL, THR. ITS
CHIEF OFFICER, AND 2 ORS.,

... Respondents

Shri S.D. Lotlikar, Senior Advocate with Ms. Pratima
Madiwalkar, Advocate for the petitioner.
Shri Gaurish N. Agni, Advocate for respondent no.1.
Shri Sushant Korgaonkar, Advocate for respondent no.2.

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

Date:- 7th June, 2016

P.C.

Shri S.D.Lotlikar, learned Senior Counsel appearing for the petitioner, submits that in the meanwhile the subject occupancy certificate has already been issued by the respondent no.1. Mr. Lotlikar, learned Senior Counsel, however, points out that the petitioner is entitled for damages on account of delay in processing and issuing the subject occupancy certificate. The question of considering the quantum of the damages, if any, is a matter which cannot be decided in the above writ petition as disputed question of fact would arise for adjudication. As the occupancy certificate has already been issued, nothing survives in this petition as the petition has become infructuous. The petition stands accordingly disposed of. Needless to say that the petitioner, if so advised, is at liberty to file

an appropriate proceedings to claim the alleged damages in accordance with law.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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