

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 520 OF 2015

MR. SAVIO FERNANDES AND 6 ORS., ... Petitioners
Versus
THE MEMBER SECRETARY, NORTH GOA
PLANNING AND DEVELOPMENT
AUTHORITY, PANAJI GOA AND 4 ORS., ... Respondents

Ms. S. Bhobe, Advocate for the Petitioners.
Mr. D. Lawande, Addl. Advocate General with Ms. P. Bhandari,
Addl. Government Advocate for the Respondent no. 1.
Mr. P. A. Kamat, Advocate for the Respondent no. 2.
Mr. C. Padgaonkar, Advocate for the Respondent no.3.
Mr. N. N. Sardesai, Senior Advocate with Mr. L. Raghunandan,
Advocate for the Respondent no. 4.
Mr. P. Dangui, Addl. Government Advocate for the Respondent no.
5.

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

Date:- 16th August, 2016

P.C.

Heard.

2. This Petition seeks directions to take action against the Respondent no. 4 on the ground of alleged illegal development in the subject property. It was pointed out during the course of hearing that an application for regularisation was filed by Respondent no. 4 which was pending for consideration. On the last date of hearing, a notice dated 10.08.2016 was produced, inter alia, disclosing that such application for regularisation came to be rejected. But, however, as

there was a grievance raised by the learned Counsel appearing for the Respondent no.4 to the manner in which such notice was produced as, according to him, such decision was communicated without the Minutes of the North Goa Planning and Development Authority (NGPDA) being confirmed. The matter was posted today for clarifications.

3. Learned Addl. Advocate General appearing for the Respondent no. 1 has brought to our notice the decision of the NGPDA which was passed in June 2016 in connection with the subject application. Learned Counsel appearing for the Respondent no. 4 further disputes the correctness of such decision.

4. In any event, the Respondent no. 4 has to avail of his remedies in law to challenge such decision in accordance with law. Needless to say, all the contentions of Respondent nos. 3 and 4 with that regard as well as the correctness of the decisions taken by the NGPDA are left open.

5. Mr. Kamat, learned Counsel appearing for the Respondent no. 2, states that the Respondent no.2 shall proceed to initiate action in accordance with law.

6. Needless to say, that all defences if at all or any action available to Respondent nos. 3 and 4 with that regard are left open as we have

not examined the correctness or otherwise of the said decisions or action proposed by the Respondents.

7. With the above observation, the Petition stands disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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