

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 527 OF 2016**

Mr. Shane Francisco Dias  
Residing at House no. 531/2,  
Lima Vaddo, Soccoro,  
Bardez, Goa.

... Petitioners

***V e r s u s***

1. State of Goa through the Chief Secretary,  
With Office at Secretariat, Porvorim,  
Bardez, Goa.
2. The Collector, North Goa,  
With office at Collectorate Building,  
Panaji, Goa.
3. The Deputy Collector,  
Mapusa Sub-Division, with office  
At Collectorate Building,  
Mapusa, Bardez, Goa.
4. The Mamlatdar of Bardez,  
with office at Collectorate Building,  
Mapusa, Bardez, Goa.
5. The Town Planner,  
Town and Country Planning Department,  
With office at Collectorate Building,  
Mapusa, Bardez, Goa.
6. The Executive Engineer,  
Water Resources Department.  
Panaji, Goa.
7. The Village Panchayat of Socorro,  
Porvorim, Goa.
8. Bablo Tari,  
son of late Govind Bablo Tari,  
Kaskar Vaddo, Porvorim,  
Bardez, Goa.

..... Respondents

Mr. John Abreu Lobo, Advocate for the Petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. Amogh Prabhudessai, Addl. Government Advocate for the Respondent nos. 1 to 6.

Ms. Ashwin D. Bhobe and Ms. S. Bhobe, Advocates for the Respondent no. 8.

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

**Date: 21<sup>st</sup> September, 2016**

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

Heard Shri J. A. Lobo, learned Counsel appearing for the Petitioner, Mr. S. D. Lotlikar, learned Advocate General appearing for the Respondent nos. 1 to 6 and Mr. A. D. Bhobe, learned Counsel appearing for the Respondent no. 8.

2. Rule. Heard forthwith. Learned Counsel appearing for the Respondents, waive service.

3. The above Writ Petition filed by the Petitioner has raised three grievances:

- (1) That the Respondent no. 8 is carrying out illegal extraction of water from a well located in the subject property without obtaining any permission from the concerned authorities;

- (2) That the Respondent no. 8 has unauthorisedly put up a structure in the subject property surveyed under no. 32/8 of Soccoro Village and, as such, the concerned authorities be directed to take action with regard to such construction; and
- (3) That the Respondent no. 8 is an agricultural tenant in respect of the subject property and in contravention of the provisions of the Goa Land Use Act, is using/intending to use such land to put up a service station and a car washing plant.

4. With regard to the first grievance of the Petitioner, Shri S. D. Lotlikar, learned Advocate General appearing for the Respondent nos. 1 to 6 pointed out that in fact a licence has been issued to the Respondent no. 8 dated 14.03.2013 and thereafter renewed on 25.08.2014.

5. Mr. J. A. Lobo, learned Counsel appearing for the Petitioner, however points out that despite of an imposition of a fine of Rs.43,920/- on the Respondent no. 8, the concerned authorities proceeded to renew such licence without recovering such amount. But, however, Shri S. D. Lotlikar, learned Advocate General pointed out that a show cause notice dated 10.05.2013 was issued which was replied by the Respondent no. 8 and no

final decision has been taken with that regard.

6. As, admittedly, no such decision has been taken, the concerned Respondents are directed to take a decision on the show cause notice dated 10.05.2013 as expeditiously as possible within three months from today.

7. With regard to the structure in question which the Respondent no. 8 is seriously disputing, Mr. S. D. Lotlikar, learned Advocate General, has pointed out that an inquiry is in progress with regard to the change of user of the land before the learned Deputy Collector which is not yet concluded.

8. Hence, the learned Deputy Collector-Respondent no. 3 shall ensure to expeditiously take a decision on such inquiry within one year.

9. With regard to the third grievance of the Petitioner concerning the installation of the car washing plant in the affidavit filed by the Local Panchayat, it has been categorically stated that though a permission was sought by the Respondent no. 8 to that effect, such request came to be rejected. In such circumstances, the question of putting up any service station as contended by the Petitioner would not at all survive.

10. Mr. A. D. Bhole, learned Counsel appearing for the Respondent no. 8, further submits that the subject property surveyed under no. 32/8 of

Succoro Village is being used by the Respondent no. 8 for agricultural purposes only and shall not change the user unless it is so permitted in law and the same is reflected at para 11 of the affidavit filed by the Respondent no. 8. The said statement of the learned Counsel appearing for the Respondent no. 8, upon instructions from the Respondent no. 8 who is present in Court, stands accepted.

11. In view of the above, Rule stands disposed of in the above terms. The Petition stands disposed of accordingly.

**NUTAN D. SARDESSAI, J.**

**F. M. REIS, J.**

arp/\*