IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.415 OF 2009.

1 Salcette Citizen's Vigilance Committee, Through its Convener, Mr. Abhijit Prabhudesai, r/o. H. No. 479, Covatem, Curtorim, Salcete Goa.

2 Colva Civic and Consumer Forum with its Office at H. No.257/1, Bagdem, Ward 3, Colva, Salcete, Goa.
Through it's authorized representatives

1 Mrs. Judith A. B. Almeida, Major, r/o. H. No.257/1, Bagdem, Colva, Salcete, Goa.

2 Mrs. Juliet L. Fernandes e Rodrigues, Major, r/o. H. No. 96/1, Grande Vanelim Colva, Salcete, Goa. .... Petitioners.

Versus

1 The State of Goa, Through its Chief Secretary, The Secretariat, Porvorim, Bardez-Goa.

2 The Collector, South Goa, Margao, Salcete-Goa.

3 The Deputy Collector & SDO, Salcete, Margao, Salcete-Goa.

4 The Director of Vigilance, Directorate of Vigilance, Altinho, Panaji-Goa.

5 The Under Secretary(Revenue), Government of Goa, The Secretariat, Porvorim, Bardez-Goa.

6 The Senior Town Planner, Town and Country Planning Department, Osia Complex, Margao, Salcete-Goa.

7 Akar Creations Pvt. Ltd., c/o Sawant & Associates, Sapana Arcade, 1st Floor, Malbhat, Margao, Salcete-Goa.

8 Mr. Leo A. Pereira, C/o M/s. L & L Builders, Ratwado, Navelim, Salcete-Goa.

9 Shri Alton D'Costa, Grace Avenue, Fatorda, Margao-Goa.

10 M/s Dreamhouse Builders, Through its Proprietor, Mr. Mario Pereira, Above Post Office, Navelim, Salcete-Goa.

11 Mrs. Cyntia Rodrigues Das Chagas E Silva, R/o. H. No. 1334/B, Mazilwado, Benaulim, Salcete-Goa.

12 Mr. Nilesh Naik, R/o Laxmi Building, Below Cine Lata, Margao-Goa.

13 Mr. Caetano Mascarenhas, C-4, "Damodar-I", Near Police Headquarters, Margao, Salcete-Goa.

14 Mr. Proto Maria Soares,

15 Mrs. Maria Fernanda Soares, Both residents of H. No. 310, Dignem, Verna, Salcete-Goa.

16 Mr. Joseph Anthony Carvalho, R/o c/o Ms. Reema Lotlikar, H. No.1613, Hari Mandir Chawl, Margao-Goa. .... Respondents.

Shri Nigel Da Costa Frias, Advocate for the petitioners.

Shri A. Prabhudessai, Addl. Govt. Advocate for the respondents no.1 to 6.

Shri C. A. Coutinho, Advocate for the respondents no.8,9,10 and 12.

Shri Sudesh Usgaonkar, Advocate for the respondents no.14 & 15.

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

Date: 3rd May,2016.

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

Heard Shri Nigel Da Costa Frias, learned Advocate appearing for the petitioners, Shri A. Prabhudessai, learned Addl. Govt. Advocate appearing for the respondents no.1 to 6, Shri C. A. Coutinho, learned Advocate appearing for the respondents no.8,9,10 and 12 and Shri Sudesh Usgaonkar, learned Advocate appearing for the respondents no.14 & 15.

2. The above petition was disposed off as against the respondent no.7 pursuant to an order passed by this Court on 18.1.2016 whereby the respondent no.7 offered to pay the conversion fees without prejudice to his rights and contention. The petition was accordingly disposed off as against the respondent no.7.

3. Shri Coutinho, learned Advocate appearing for the respondents no.8 upon instructions has also pointed out that the respondent no.8 is agreeable to pay the conversion charges in respect of the subject construction put up by the respondent no. 8 in the property under survey no. 88/11 of Navelim village. It

is also pointed out that an application to that effect came to be filed by the respondent no.8 on 7.12.2009.

4. Hence, the respondent no.2 shall assess the amount of conversion fees as per the rules prevailing in the year 2007 and raise a demand on the respondent no.8. The respondent no.8 shall accordingly pay the amount as so demanded by the respondent no. 2.

5. As far as the respondents no.9,10,11 and 12 are concerned on perusal of the record, we find that the certificate of exemption was granted much before the amendment came into operation on 7.3.2007.

6. In such circumstances, as the exemption was granted, we find that the question of directing any further payment by the respondent nos. 9,10, 11 and 12 towards the conversion charges would not arise at all in the present petition.

7. With regard to the respondents no.14 and 15 as there is no conclusive material as to whether the development has in fact been carried out by the said respondents based on such exemption, we accordingly direct the respondent no.2 to examine the validity of the exemption after hearing the

respondents no.14 and 15 in accordance with law.

8. Learned Advocate appearing for the petitioner submits that he will not press for other challenges in the above petition with regard to the amendment introduced by Section 32 A of the Land Revenue Code and withdraw the petition with that regard by keeping all the contentions open to be raised in the appropriate petition.

9. Petition stands disposed off accordingly. Needless to say rule stands disposed off in the above terms. All the contentions with regard to the quantum of conversion fees are left open.

NUTAN D. SARDESSAI J. **F. M. REIS, J.**

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