

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

WRIT PETITION NO. 26 OF 2015

SHAIKH MOHAMMAD RAFIC.

... Petitioner

Versus

STATE OF GOA THR. CHIEF SECRETARY  
AND 6 ORS.,

... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Sahish Mahambrey,  
Advocate for the petitioner.

Ms. Susan Linhares, Addl. Government Advocate for respondent nos.  
1 to 3 and 5.

Mr. A. D. Bhobe, Advocate for the respondent no.4.

Mr. Marvin D'Souza, Advocate for the respondent nos. 6 and 7.

Coram:- F. M. REIS &  
K. L. WADANE, JJ.

Date:- 21st March, 2016

P.C.

Heard Mr. S. S. Kantak, learned Senior Counsel appearing for the petitioner, Ms. S. Linhares, learned Addl. Government Advocate appearing for the respondent nos. 1 to 3 and 5, Mr. A. D. Bhobe, learned counsel appearing for the respondent no.4 and Mr. M. D'Souza, learned counsel appearing for the respondent nos. 6 and 7.

2. Upon hearing the learned counsel appearing for the respective parties, it is brought to our notice that though the respondent no.2 desired to hold the site inspection by notices dated 22.04.2014 read with 08.04.2015 in respect of the subject construction put up by the respondent nos. 6 and 7, there were

obstructions by the respondent nos. 6 and 7 which prevented the authorities to carry out such exercise.

3. Mr. S. S. Kantak, learned Senior Counsel appearing for the petitioner points out that the respondent nos.6 and 7 had applied for the construction permission of the subject premises way back in the year 2006 and pursuant thereto the respondent no.2 had granted such permission and directed the panchayat to grant the licence to the respondent nos. 6 and 7. The learned Senior Counsel further points out that without complying with the said directions or in breach thereof the respondent nos. 6 and 7 had put up the construction and is occupying without any occupancy certificate.

4. Mr. Bhobe, learned counsel appearing for the Village Panchayat - respondent no.4 points out that the Village Panchayat had issued notice for site inspection which was carried out and the inspection report is produced on record.

5. Mr. M. D'Souza, learned counsel appearing for the respondent nos. 6 and 7 submits that no construction has been carried out by the respondent nos.6 and 7 and that though the reconstruction permission was obtained from the statutory authorities such permission was not availed of by the respondent nos. 6 and 7 to carry out any construction at the site.

6. Without going into the rival contentions on merits referred to herein above as the Town and Country Planning Authority - respondent no.2 herein desire to hold a site inspection in terms of the notices dated 22.04.2014 read with 08.04.2015 which could not take place in view of the obstructions and objection raised by the respondent nos 6 and 7, we propose to dispose of the above writ petition by directing the respondent no.2 to hold the site inspection by consent on 11.04.2016 at 11.00 a.m. The petitioner is permitted to remain present on the said date and no further intimation shall be given to the respondent nos.6 and 7 or any other party who desire to remain present for such site inspection on the said date and file a compliance report within eight weeks.

7. With the above directions, the petition stands disposed of. All contentions of the parties on merits are left open.

K. L. WADANE, J.

F. M. REIS, J.

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