IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 912/2016

M/s. Swapna Developers,
a registered Partnership Firm,
having its Office at Osia Paradise,
Dawood Baug Road,
Andheri West, Mumbai 400 058,
and its Goa Office at 2nd Floor,
Osia Mall, SGPDA Market,
Margao, Goa, 403 601 and represented
herein by its Partner
Prakash Kapurchand Kothari,
major I age, residing at
Reliance Park Co-operative
Housing Society, Salcete, Goa. ..... **Petitioner.**

Versus

The Village Panchayat of Raia,
though its Secretary, having Office
at Raia, Salcete, Goa. ..... **Respondents.**

Our Lady of Livramento Chapel
Committee, represented herein by its
President Mr. Caetano Dias,
resident of Arlem, Raia, Salcete, Goa. ..... **Proposed Intervenors.**

Mr. Y. V. Nadkarni, Advocate for the petitioner.

Mr. C. A. Coutinho, Advocate for the respondent.

Mr. Nigel Costa Frias, Advocate for the proposed interventors.

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

Date : - 19/10/2016.

ORAL JUDGMENT : **(PER F.M. REIS, J.)**

Heard Mr. Y.V. Nadkarni, learned Counsel appearing for the petitioner, Mr. C. A. Coutinho learned Counsel appearing for the respondent and Mr. Nigel Costa Frias, learned Counsel appearing for the proposed intervenors.

2. Rule. Learned Counsel appearing for the respondent waives service. Heard forthwith, with the consent of the learned Counsel.

3. The above petition came to be filed on the ground that despite of a statement recorded upon instructions of the respondent while disposing of Writ Petition No. 748/2016 by an order dated 18/08/2016, the Occupancy Certificate was not issued by the concerned Panchayat in terms of such statement recorded.

4. When the petition was taken up on the last date of hearing, the learned Counsel appearing for the respondent submitted that the only apprehension of the respondent in not issuing the Occupancy Certificate was with regard to an area that was agreed to be transferred

in favour of the local Panchayat for the purpose of relocating the existing religious structure. Accordingly, it was agreed by the petitioner to clear the apprehension of the respondent by executing a Gift Deed of the area earmarked for relocation of such religious structure and it was understood that immediately, thereafter the subject occupancy Certificate would be issued to the petitioner. It is not disputed that the Gift Deed has, accordingly, been executed in favour of the Sarpanch and placed for registration before the Sub-Registrar, Margao on 14/10/2016.

5. Mr. Y.V. Nadkarni, learned Counsel appearing for the petitioner, however, points out that despite of the compliance of such understanding, the Occupancy Certificate has not yet been issued. When the matter was taken up today, there was a debate raised by Mr. Nigel Costa Frias, learned Counsel appearing for the proposed intervenors that there is a discrepancy with regard to the area which was originally agreed to be reserved for relocation of the religious structure. But, however, Mr. Coutinho, learned Counsel appearing for the respondent points out that by a resolution passed by the local Panchayat, such area was fixed as 66.72 sq. metres, which has been gifted in favour of the respondent. In such circumstances, the

objections raised by the proposed Intervenors, at this stage, cannot be looked into in the present petition.

6. The petitioner, as well as the respondent, along with their respective Counsel have placed on record the Minutes of Order to dispose of the above petition. The Minutes of Order have been signed by the petitioner, the respondent and their respective Counsel. The signatures have been identified by the respective Counsel and the representative of the petitioner, as well as the Secretary of the respondent who are present in the Court have accepted the contents of the Minutes of Order. The Minutes of Order are accepted, taken on record and marked "X" for identification.

7. The petition stands disposed of accordingly in terms of the Minutes of Order. Rule is made absolute in the above terms.

Place the matter for compliance report on 26/10/2016.

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

ssm.