

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 882 OF 2016

IN

WRIT PETITION NO. 862 OF 2016

SHRI. PRADEEP P. DUGGAL.,

... Applicant

Versus

CANACONA MUNICIPAL COUNCIL, THR.
ITS CHIEF OFFICER AND ANR.,

... Respondents

Shri Gaurish N. Agni and Shri E. Usapkar, Advocates for the applicant.

Shri Sudesh Usgaonkar, Advocate for the respondent no.1.

Shri J. Godinho, Advocate for the respondent no.2.

Coram:- F. M. REIS, J.

Date:- 15th December, 2016

P.C.

Heard Shri G. Agni, learned Counsel appearing for the applicant, Shri Sudesh Usgaonkar, learned Counsel appearing for the respondent no.1 and Shri J. Godinho, learned Counsel appearing for the respondent no.2.

2. This is an application for extension of time to comply with the directions issued by this Court by Order dated 7.10.2016 while disposing off the Writ Petition No.862/2016.

3. Shri G. Agni, learned Counsel points out that though an application for regularisation was filed on 23.8.2016 before the Competent Authority, no final decision has been taken up to this date and as such, the applicant is justified to seek for extension

of time as recorded in the said order.

4. Shri Sudesh Usgaonkar, learned Counsel appearing for the respondent no.1 has pointed out that reading the observations in the said order would clearly show that there is no scope for the applicant to seek for any extension of time.

5. Shri J. Godinho, learned Counsel appearing for the respondent no.1 has submitted that there is already an order for delivery of possession of the subject premises to the said respondent and that the subject structure is located in the CRZ area and as such, in case Court is inclined to grant further time, the petitioner should not carry out any commercial activities in the subject premises.

6. I have considered the submissions and I have also gone through the records.

7. The order passed by this Court clearly suggest that the petitioner was given an opportunity to obtain the regularisation claimed by the petitioner, within six weeks. It is however pointed out by Shri Agni, learned Counsel appearing for the petitioner that the delay was as the Authority did not take the necessary steps to finalise the application filed by the applicant.

8. Be that as it may, considering that the Order under challenge before this Court in a Writ Petition was a demolition Order issued by the Statutory Authority which has attained finality, I find that in the peculiar facts and circumstances of the case as a last opportunity, time to get the regularisation if any, in terms of

the Order dated 7.10.2016 is extended up to 31.1.2017. It is however clarified that in case such regularisation is not obtained within the said period, the petitioner shall not carry out any commercial activities in the subject premises.

9. Subject to above, application stands disposed off.

F. M. REIS, J.

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