

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 922 OF 2015

Joaquim Vicente Diniz, s/o late
Manuel L.R. Diniz, major of age,
married, House No. 1261/A,
Anvotem, Curtorim, Salcete, Goa. Petitioner

Versus

Village Panchayat of Cana Benaulim,
through its Sarpanch, Benaulim,
Salcete, Goa. Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the Petitioner.

Mr. Brian Rodrigues, Advocate for the Respondent.

CORAM:- S.B. SHUKRE, J.

DATE:- 11th FEBRUARY, 2016.

ORAL JUDGMENT:

Rule. Rule made returnable forthwith. Heard finally
by consent.

2. Having heard learned Counsel for both the sides, I
am of the view that if the statements made across the bar on
behalf of the respondent, which is the Village Panchayat of

Cana, Benaolim are accepted, as a response to the application for grant of construction license based on revised plan submitted by the petitioner, the purposes of this petition will be served and it would also go a long way in putting an end to the dispute between the petitioner and the respondent.

3. In paragraph 11, page-6 of the memo of the Writ Petition, the petitioner has stated that he has submitted a revised plan for grant of construction license showing 1.5 metres access having been left as requested along the eastern boundary of the property in question.

4. Learned Counsel for the respondent, on instructions, submits that the respondent-Village Panchayat is ready to grant construction license based on the revised plan as stated in paragraph 11 of the petition within a period of three weeks from the date of the order.

5. Learned Counsel for the petitioner has no objection if, the promise so made before the Court is fulfilled by the respondent.

6. In the circumstances, the statement made on behalf of the respondent, which is reproduced above is accepted. Accordingly, it is directed that the respondent-Village Panchayat shall grant construction license based on the revised plan submitted by the petitioner, which shows 1.5 metres access along the eastern boundary of the property, within a period of three weeks from the date of the order.

7. It is further directed that in view of the statement made by the Village Panchayat and accepted by this Court, the Revision Petition filed before the Court of District Judge shall not survive and it shall stand disposed of, upon the grant of the construction license based on revised plan by the respondent.

8. Rule is made absolute in above terms. No costs.

S. B. SHUKRE, J.

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