

IN THE HIGH COURT OF BOMBAY AT GOA

**MISCELLANEOUS CIVIL APPLICATION NOS. 909,
910, 911 & 912 OF 2016**
IN
WRIT PETITION NO. 41/2009

MISCELLANEOUS CIVIL APPLICATION NO. 909/2016

MODEST BUILDERS, THR. ITS PARTNER,
MR. MAHESH ADWALPALKAR., ... Applicant
Versus
RIBANDER CHIMBEL RAKHON SAMITI,
THR. CHAIRMAN MR. LUIS D'SOUZA., ... Respondent

MISCELLANEOUS CIVIL APPLICATION NO. 910/2016

VELHO MICROBREW PVT. LTD., THR.
ITS AUT. POA, MR. MAHESH R.
ADWALPALKAR., ... Applicant
Versus
RIBANDER CHIMBEL RAKHON SAMITI,
THROUGH CHAIRMAN LUIS D'SOUZA., ... Respondent

MISCELLANEOUS CIVIL APPLICATION NO. 911/2016

MR. EUSTAQUIO VINCENTE SALVADOR
GOES, THR. POA MR. MAHESH R.
ADWALPALKAR AND 2 ORS., ... Applicants
Versus
RIBANDER CHIMBEL RAKHON SAMITI,
THROUGH CHAIRMAN LUIS D'SOUZA., ... Respondent

MISCELLANEOUS CIVIL APPLICATION NO. 912/2016

MRS. ANGELA FILOMENA FERNANDES E
GOES, THR. POA MR. MAHESH R.
ADWALPALKAR AND ANR.,

... Applicants

Versus

RIBANDER CHIMBEL RAKHON SAMITI,
THROUGH CHAIRMAN LUIS D'SOUZA.,

... Respondent

Mr. Shivan Desai, Advocate for the Applicants.

Mr. Nigel Da Costa Frias, Advocate for the Respondent/Petitioner
in Writ Petition No. 41/2009.

Mr. S. Lotlikar, Advocate General with Mr. A. Gomes Pereira,
Additional Government Advocate for the State.

**Coram : SMT. R.P. SONDURBALDOTA &
C.V. BHADANG JJ.**

Date : 20th December, 2016

P.C:

This is a common order in the above civil applications seeking identical relief of modification of the interim order dated 04.03.2010 passed in the above writ petition to the extent it affects the applicants and a direction to the Town and Country Planning Department and the Village Panchayat of Chimbel, to consider their applications for development of their respective properties situate at Survey nos.59/1, of village Chimbel.

*Necessary
correction carried
out in terms of
Hon'ble Court
Order dated
10.02.2017
passed in MCA
No. 102/2017*

20/3-A, 20/3-B and 20/3-C

2. Perusal of the record shows that the order under modification was passed directing the village panchayat, not to process any application for development of land projects of more than 10 tenements, in view of inadequate infrastructural facilities. At the relevant time, the Goa Land Development and Building Regulations were still at the draft stage, and the suggestions invited from the general public still to be considered.

3. Mr. Desai, learned Counsel appearing for the applicants submits that undisputedly, the Regulations have since been finalised in the year 2010 and have been in force. Consequently, there should be no difficulty, for the applications of the applicants, being processed by the concerned Authorities in terms of those regulations. Mr. Nigel Costa Frias, learned Counsel for the original petitioner, on the other hand submits that the larger question of actual existence and availability of the infrastructure that can sustain the proposed construction and development work still remains to be addressed and requires due consideration. He also requests for liberty to make representations as regards the development projects of the applicants herein.

4. In the facts and circumstances of the case, we find substance in the submissions of both the Counsel and in our opinion, the following order would serve the private interest of the applicants as well as the public interests:

ORDER

(i) The applications are allowed.

(ii) The original petitioners are at liberty to make representation to the Town and Country Planning Department and the Village Panchayat of Chimbel, in respect of the applications of the applicants. Any such representation made shall be duly considered.

(iii) Respondent nos. 2, 3 and 13 are directed to file affidavit, within six weeks from today, disclosing the status of the infrastructure actually available for developmental activities in Ribandar, Chimbel.

C.V. BHADANG, J.

R.P. SONDURBALDOTA, J.