

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 171 OF 2017

IN

WRIT PETITION NO. 54 OF 2014

VINAY M. PRABHU VERLEKAR.,

... Applicant

Versus

REGISTRAR OF CO-OPERATIVE
SOCIETIES, GOVT. OF GOA AND 3
ORS.,

... Respondents

Shri Kishan C. Padgaonkar, Advocate for the Applicant.
Shri A. Jamdar, Additional Government Advocate for the
Respondent No.1.
Shri P. Sawant, Advocate for the Respondents No.2 & 3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th July, 2017

P.C.:

The applicant seeks an early hearing of the appeal on the ground that the original appellant taking advantage of the order of this Court dated 25/06/2015 has illegally constructed the shed on the terrace of the society building and that he misused the powers and continued doing the illegal alteration thereby causing a severe threat to the structure and which is not allowed. On this premise, the applicant seeks the expeditious hearing of the appeal.

2. The contesting respondents no.2 & 3, who are the original petitioners have opposed the application on the premise that it is

the applicant who has carried out the illegal construction and encroachment in the parking space/open space in the front block admeasuring 133 sq. mts. and besides constructed a steel shed occupying the entire front side open space of about 97 sq. mts. Besides, there is seepage and leakage of water during the rains through the said terrace. No grounds whatsoever have been made out by the applicant for an early hearing of the petition and hence the application deserves to be dismissed.

3. It is a matter of record that this Court by the order dated 25/06/2015 had issued Rule and ordered expeditious hearing of the petition apart from granting stay of the interim order dated 24/06/2010 until further orders.

4. Shri K. Padgaonkar, invited attention to the initial two show cause notices and the final notice dated 30/09/2016 pursuant to which the petitioners have been directed to demolish the illegal construction and to restore the land to its original form.

5. There is a serious dispute between the parties regarding the erection of the said alleged illegal structure and the encroachment carried out by the applicant herein. Besides considering the order of this Court dated 25/06/2015 and the rival contentions raised by the contesting parties, i deem it appropriate that an early hearing of the matter is necessitated in

the facts and circumstances of the case. Hence, the application is allowed. List the matter for early hearing.

NUTAN D. SARDESSAI, J.

NH