

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.221 OF 2017**

Mr. Udai Raj Singh Chauhan
s/o Shri Durga Bux Singh Chauhan
Aged about 52 years
Service, r/o Villa no.139/5
At Jairam Nagar, Dabolim,
Mormugao Taluka, Goa .. Petitioner

Vs

1. Rtd. Cdr. Ashok Kumar Sharma
s/o Lt. Shri Ramprakash Sharma
aged 53 years, and his wife
2. Mrs. Ritu Sharma
w/o Red. Cdr. Ashok Kumar Sharma
aged 53 years, housewife
Both r/o C-1/202
Pawanhans Colony, Daulat Nagar
Relief road, Santacruz (West)
Mumbai - 400 054
3. Mr. Snehendu Shekhar
s/o Shri Bishwamohan Kumar Singh
aged 35 years
and his wife
4. Mrs. Puja Snehedu Shekhar
w/o Mr. Snehendu Shekhar
aged 33 years, service
both r/o 243/B/S, 2nd floor
Mahalaxmi Enclave, Dabolim
Crest Alto-Dabolim
Mormugao Taluka, Goa
5. Mr. Bajrang Singh Sengar
Surya Uday, H. no.13/2
Opp. MES college
Chicalim, Goa 403726
All major of age .. Respondents

Mr. Prasheen Lotlikar, Advocate for the petitioner.

Mr. Bhargav M. Khandeparkar, Advocate for respondent nos.3 and 5.

Coram :- M. S. SONAK, J.

DATE :- 12nd April, 2017

ORAL JUDGMENT :-

Mr. Lotlikar for the petitioner seeks leave to delete respondent nos.1 and 2 from the array of the parties since their presence is not required for the purposes of deciding this petition. Leave granted. Amendment to be carried out forthwith.

2. Heard Mr. Prasheen Lotlikar for the petitioner and Mr. Bhargav Khandeparkar for respondent nos.3 to 5- contesting respondents.

3. Rule. Rule is made returnable forthwith. With the consent of the learned Counsel for the parties, heard forthwith.

4. The challenge in this petition is to the order dated 30/08/2016 and 05/01/2017, the effect of which, according to the petitioner, is that the petitioner, has been disallowed to produce on record approved plan and the communication dated

10/05/2016, received by the petitioner under the Right to Information Act.

5. The impugned order is the order dated 30/08/2016. As against the same, the petitioner instituted a review petition, which came to be dismissed by order dated 05/01/2017.

6. On perusal of the order dated 30/08/2016, it is noticed that leave was not granted to the petitioner to produce the approved plan because the learned Trial Judge, found that the plan is already on record before the learned Trial Judge.

7. Mr. Bhargav Khandeparkar also submits that this is a position and, therefore, there was no necessity for even applying to the learned Appeal Court for production of the approved plan. Since, it is quite clear that the approved plan is already a part of the record, there does not appear to have been any necessity for insisting to once again to produce the approved plan on record.

8. In so far as the letter dated 10/05/2016 is concerned, Mr. Lotlikar points out that Mormugao Planning and Development Authority has stated that the copy of Basement Site Plan is not available with the Authority.

9. There is really no harm if, the petitioner is permitted to produce this letter on record. The effect of such letter and implications can always be gone into when the appeal is heard on its merits.

10. In view of the aforesaid, this petition is partly allowed. The petitioner is permitted to produce on record the communication dated 10/05/2016 from the Mormugao Planning and Development Authority.

11. The petitioner, is however, directed to pay costs of Rs.2,500/- to respondent nos.3 to 5, since they have been unnecessarily made to face the present litigation in this Court. Costs to be paid within a period of two weeks.

12. Rule is made partly absolute in the aforesaid terms.

SMA

M. S. SONAK, J.