

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**WRIT PETITIONS NO. 194, 195, 196, 197 OF 2017**  
**WRIT PETITION NO. 194 OF 2017**

Mrs. R. A. Jebanesam,  
w/o. Late Roche Anthony,  
major of age, housewife,  
r/o. H.No.201(old) and 215/71(new)  
Bella Vista Vaddo, Sangolda,  
Bardez, Goa.

.... **Petitioner.**

V/s

1. The Administrator,  
Comunidades of North Zone,  
Mapusa, Bardez, Goa.

2. The Attorney,  
Comunidade of Sangolda,  
Sangolda, Bardez, Goa.

3. Dy. Collector and Sub-Divisional Magistrate,  
Mapusa, Bardez, Goa.

4. Dy. Collector and  
Sub-Divisional Magistrate North Goa,  
Incharge of Demolition Squad,  
Office at Panjim, Tiswadi, Goa.

5. The Collector,  
North Goa Collectorate Building,  
Panaji, Goa.

6. State of Goa,  
through Chief Secretary,  
Secretariat, Porvorim, Goa.

..... **Respondents.**

Mr. J. Godinho, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. A. Gomes Pereira,

Additional Govt. Advocate for the respondents No.1, 3 to 6.

Mr. J. F. Melo, Advocate for the respondent No.2.

**WRIT PETITION NO. 195 OF 2017**

Mr. Jos Roger Fernandes,  
major of age, housewife,  
r/o. H.No.215/13,  
Bella Vista Vaddo, Sangolda,  
Bardez, Goa.

.... **Petitioner.**

V/s

1. The Administrator,  
Comunidades of North Zone,  
Mapusa, Bardez, Goa.

2. The Attorney,  
Comunidade of Sangolda,  
Sangolda, Bardez, Goa.

3. Dy. Collector and Sub-Divisional Magistrate,  
Mapusa, Bardez, Goa.

4. Dy. Collector and  
Sub-Divisional Magistrate North Goa,  
Incharge of Demolition Squad,  
Office at Panjim, Tiswadi, Goa.

5. The Collector,  
North Goa Collectorate Building,  
Panaji, Goa.

6. State of Goa,  
through Chief Secretary,  
Secretariat, Porvorim, Goa.

..... **Respondents.**

Mr. J. Godinho, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Ms. P. Sawant, Additional Govt. Advocate for the respondents No.1, 3 to 6.

Mr. J. F. Melo, Advocate for the respondent No.2.

**WRIT PETITION NO. 196 OF 2017**

Mrs. Pooja Prakash Hoble,  
major of age,  
r/o. H.No.207/1,  
Bella Vista Vaddo, Sangolda,  
Bardez, Goa.

.... **Petitioner.**

V/s

1. The Administrator,  
Comunidades of North Zone,  
Mapusa, Bardez, Goa.

2. The Attorney,  
Comunidade of Sangolda,  
Sangolda, Bardez, Goa.

3. Dy. Collector and Sub-Divisional Magistrate,  
Mapusa, Bardez, Goa.

4. Dy. Collector and  
Sub-Divisional Magistrate North Goa,  
Incharge of Demolition Squad,  
Office at Panjim, Tiswadi, Goa.

5. The Collector,  
North Goa Collectorate Building,  
Panaji, Goa.

6. State of Goa,  
through Chief Secretary,  
Secretariat, Porvorim, Goa.

..... **Respondents.**

Mr. J. Godinho, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. R. Shivolkar, Additional  
Govt. Advocate for the respondents No.1, 3 to 6.

Mr. J. F. Melo, Advocate for the respondent No.2.

**WRIT PETITION NO. 197 OF 2017**

Mr. Chandrashekhar Badiger,  
major of age,  
r/o. H.No. 215/51,  
Bella Vista Vaddo, Sangolda,  
Bardez, Goa.

.... **Petitioner.**

V/s

1. The Administrator,  
Comunidades of North Zone,  
Mapusa, Bardez, Goa.

2. The Attorney,  
Comunidade of Sangolda,  
Sangolda, Bardez, Goa.

3. Dy. Collector and Sub-Divisional Magistrate,  
Mapusa, Bardez, Goa.

4. Dy. Collector and  
Sub-Divisional Magistrate North Goa,  
Incharge of Demolition Squad,  
Office at Panjim, Tiswadi, Goa.

5. The Collector,  
North Goa Collectorate Building,  
Panaji, Goa.

6. State of Goa,  
through Chief Secretary,  
Secretariat, Porvorim, Goa.

..... **Respondents.**

Mr. J. Godinho, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. A. Jamadar, Additional Govt. Advocate for the respondents No.1, 3 to 6.

Mr. J. F. Melo, Advocate for the respondent No.2.

**CORAM :- F.M. REIS &  
NUTAN D. SARDESSAI, JJ.**

**Date : - 22/02/2017.**

**ORAL JUDGMENT : (PER F.M. REIS, J.)**

Heard Mr. J. Godinho, learned Counsel appearing for the petitioners, Mr. S. D. Lotlikar, learned Advocate General appearing for the respondents No.1, 3 to 6 and Mr. J.F. Melo, learned Counsel appearing for the respondent No.2.

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. We have examined the above petition essentially on the ground that it is contended by Mr. J. Godinho, learned Counsel appearing for the petitioners that on the basis of the action initiated by the respondents No.1 and 2, the residential houses of the petitioners are sought to be demolished. It is pointed out that there are proceedings pending before the Civil Court with regard to the subject-structures and even proceedings, according to the petitioners, are pending in terms of

Article 372-A of the Code of Comunidades before the concerned Collector.

4. Mr. J.F. Melo, learned Counsel appearing for the respondent No.2, however, disputes that any such proceedings are pending before the Collector, and points out that there are suits which are pending before the Civil Court wherein applications for Temporary Injunction have been filed, which are pending for final disposal.

5. We do not propose to examine the merits of the rival contentions with regard to the alleged occupation of the petitioners in the present petition. This aspect will have to be examined by the concerned Courts where the proceedings are stated to be pending. But, however, in the peculiar facts and circumstances of case and taking note of the contention of Mr. Godinho, learned Counsel appearing for the petitioner that the residential houses of the petitioners are going to be affected based on the directions issued by this Court, we find it appropriate, in the interest of justice, to keep the subject demolition orders in abeyance for a period of four weeks from today, so as to enable the petitioners to move the competent forum or in pending proceedings to get an appropriate relief in connection with the subject-

structures, in accordance with law. It is, however, made clear that if no reliefs are obtained within the said period, the subject-demolition orders would automatically be in operation. All contentions of both the parties, on merits, are left open.

6. Rule is disposed of in the above terms.

**NUTAN D. SARDESSAI, J.**

ssm.

**F.M. REIS, J.**