

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 310 OF 2017

Shri Anil Candolcar

Flat no.6 Laxmi Sneha Building

Opp. Pai Hospital

Vaddem, Vasco da Gama, Goa

...Petitioner

Versus

1. Mormugao Municipal Council

Vasco, Goa through its

Chief Officer,

2. Sandeep Chodankar

Near Vaddem Birdge,

Vaddem, Vasco da Gama, Goa.

...Respondents

Shri R. Pednekar, Advocate for the petitioner.

Shri V.V. Pednekar, Advocate for the respondent no.1.

Shri Amey Phadte, Advocate for the respondent no.2.

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

Date :- 18th July, 2017

ORAL JUDGMENT: (per F.M. REIS,J.)

Heard Shri R. Pednekar, learned Counsel for the petitioner,
Shri V.V. Pednekar, learned Counsel for the respondent no.1 and
Shri Amey Phadte, learned Counsel for the respondent no.2.

2. Rule. Shri V.V. Pednekar, learned Counsel waives service on behalf of the respondent no.1 and Shri Amey Phadte, learned Counsel waives service on behalf of the the respondent no.2. Heard forthwith with the consent of learned Counsel for the parties.

3. The challenge in the above petition is to the notice dated dated 20/03/2017 whereby the respondent no.1, inter alia, directed that all laterite stones in the private property which were dumped on the internal road be removed. The main grievance of the petitioner is that such notice came to be issued without giving a Show Cause Notice to the petitioner. Shri V. V. Pednekar, learned Counsel for the respondent no.1, upon instructions, points out that the said notice dated 20/03/2017 be treated as a show Cause Notice to the petitioner, to show cause why action referred to therein should not be taken within three weeks from today. The learned Counsel for the respondent no.1 further points out that after receipt of such reply, if any, and after hearing all the concerned parties within three weeks from receipt of such reply, a decision on such Show Cause Notice shall be taken in accordance with law. Needless to state that the directions issued in the subject notice shall be kept in abeyance and will no longer survive.

4. Accepting the said statement of the learned Counsel of the respondent no.1 nothing survives in the above petition. The petition

accordingly stands disposed off.

5. Rule stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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