

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 344 OF 2017

SHRI. PRADEEP DUGGAL, THR. HIS
POA, SHRI. ATUL PRADEEP DUGGAL., ... Petitioner
Versus
STATE OF GOA, THR. THE CHIEF
SECRETARY AND 3 ORS., ... Respondents

Shri Gaurish N. Agni with Shri E. Usapkar, Advocate for the
petitioners.

Shri D. Lawande, Advocate General with Shri A. Gomes Pereira,
Additional Government Advocate for the respondents no.1 to 3.

Shri Sudesh Usgaonkar, Advocate for the respondent no.4.

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

Date:- 25th April, 2017

P.C.:

Heard Shri Gaurish N. Agni, learned Counsel for the
petitioners, Shri D. Lawande, learned Advocate General for the
respondents no.1 to 3 and Shri Sudesh Usgaonkar, learned
Counsel for the respondent no.4.

2. During the course of hearing of the above petition, Shri
Sudesh Usgaonkar, learned Counsel for the respondent no.4 has
pointed out that the petitioners had already approached the Civil
Court where an ex-parte order is in operation which was also
extended by the learned Civil Judge Junior Judge, Cancona.

3. Mr. Agni, learned Counsel for the petitioners however points out that the petitioner cannot be deprived of the basic requirements like Water and electricity for their daily use for domestic purpose.

4. Mr. Usgaonkar, learned Counsel for the respondent no.4, however dispute the said aspect.

5. Mr. Godinho, learned Counsel intervened in the matter and points out that a decree is operating against the petitioner in connection with the said subject structure which according to him is in the CRZ area.

6. Shri Agni, learned Counsel for the petitioners disputed the said contention and points out that the such contention is without any basis.

7. Hence, as the matter is already under consideration of the learned Civil Judge and there is no dispute that there are some orders in operation passed by the Civil Judge, we find that the question of exercising our extra-ordinary jurisdiction under Article 226 of the Constitution of India in such situation is not justified.

8. All the contention of the petitioners are left open. The petitioners if advised are at liberty to avail of such remedy. The Petitioners are at liberty to raise their claim before the appropriate authorities.

9. The petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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