

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 424 OF 2016

ALKA LELAALI MAVANY.

... Petitioner

Versus

THE GOA TOWN AND COUNTRY PLANNING
BOARD, AND 5 ORS.,

... Respondents

Mr. R. G. Ramani, Advocate for the petitioner.

Mr. M. Pereira, Advocate for respondent no.2.

Mr. P. Rao, Advocate for respondent no.3.

Ms. Susan Linhares, Addl. Government Advocate for respondent
no.4

Mr. S. S. Kantak, Senior Advocate with Mr. P. Talaulikar,
Advocate for respondent nos. 5 and 6.

Coram:- THE CHIEF JUSTICE &
F. M. REIS, JJ.

Date:- 14th July, 2017

P.C.

So far as the demolition order issued against the petitioner in respect of her property, the matter came up for disposal before the Appellate Authority on 17.08.2015. Apparently, on that date, as the appellant and her counsel were not present, the appeal was disposed off by a considered order.

2. Challenging the same, the present petition is filed. The learned counsel for the petitioner submits that subsequent to the disposal of the appeal, a finding has been made by the Survey Department in favour of the petitioner holding that 37 square metres is found in her possession. According to learned counsel,

this piece of material would also have an impact on the merit of the appeal. Notice of hearing date of the appeal on 17.08.2015 according to the petitioner came to be served only on 17.08.2015. Since the impugned order was not by considering the arguments of the petitioner and the fact that further material is secured subsequent to the disposal of the appeal, we are of the opinion that the petition deserves to be allowed remanding the matter to the Appellate Authority for a fresh consideration on merits after hearing all the parties.

F. M. REIS, J.

THE CHIEF JUSTICE, J.

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