

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.774 OF 2017

Ganesh Shriram Fadte & Ors

... Petitioners

Versus

State of Goa & Ors

... Respondents

Mr G Teles, *Advocate for the Petitioners.*

Mr Dattaprasad Lawande, *Advocate General with Ms P Bhandari,*
Additional Government Advocate for Respondent Nos 1, 2, 4 & 5.

Mr A Kakodkar, Advocate for Respondent No 3.

Ms V Mapari, Advocate for Respondent No 7.

CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ

DATED: 10th October 2017

PC:-

1. We are not inclined to grant any relief. The petition is worded in the widest generalities and speaks of “many illegal constructions” and “further encroachments” in “various plots of the Comunidade land” where there are said to be “huge lands scam and land encroachment activities”. Two plots are identified: survey nos 140/0 and 142/0 of the Comunidade of Revora. Respondent No 7, one Harmalkar, is alleged to be involved in this development. Paragraph 9 tells us that since 2012 there have been “many illegal constructions” but does not even attempt to describe these alleged illegalities or tell us what is the nature of the work being done. Not the slightest attempt seems to have been made to obtain information. We have some photographs at pages 39 and 40 but

from this it is not possible to say that the work is illegal, but only that there is work being done. If any documentation or information was kept from the Petitioners, they could have come to us before, or applied under the RTI Act. They have done nothing.

2. There is also the fact that the Petitioners have been writing letters since 2012 but have done nothing in all that time to prevent the work from continuing. They have thus, by their inaction, permitted equities to intervene. There is no explanation why the Petitioners have not come to this Court before.

3. We have no manner of doubt that if there is any illegal construction the Comunidade has sufficient powers to take action and will indeed do so in an appropriate case.

4. The petition is rejected. There will be no order as to costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.