

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 209 OF 2017

IN

FIRST APPEAL NO. 114 OF 2017

TAAIRA B. SHAIKH AND 3 ORS.,

... Applicants

Versus

THE GOA HOUSING BOARD, REP. THR.
ITS CHAIRMAN AND 2 ORS.,

... Respondents

Adv. K. Pednekar for the Applicants.

Adv. H. D. Naik for Respondent no.1.

Mr. Arun A. S. Talaulikar, AGA for Respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 13th December 2017

P.C.:

The applicant had filed a suit challenging the cancellation of the allotment of shops by the respondent no.1. There were in all 12 shops in respect of which the respondent no.1 had invited applications for allotment. The present dispute would be restricted to only five shops in as much as, there were five allottees of individual shops namely, shops no. 5,6,7,8 and 12 who were the plaintiffs.

2. Indisputably there was an order of temporary injunction operating during the pendency of the suit restraining the

respondent no.1 from advertising for the allotment of all the 12 shops.

3. On hearing of the learned counsel for the parties, I do not find that the respondent no.1 needs to be restrained from allotting all the 12 shops. This is because the dispute in so far as the applicants are concerned only pertains to five shops as above. In such circumstances, the following order is passed:

Order:

(i) The respondent no.1 is restrained from holding any fresh auction and/or creating any third party interest in respect of shop nos.5,6,7,8 and 12 situated at Baina, Vasco standing on land chalta no.27 of P.T.S no.134 of City Survey Vasco, pending disposal of the appeal.

(ii). It is made clear that it would be open for the respondent no.1 to proceed for auction of the remaining shops.

(iii) By consent of parties, the hearing of the first appeal is expedited.

(iv) The learned counsel for the respondent states that the respondent no.1. shall file a private paper book within a period

of twelve weeks from today.

(v) Liberty to the parties to apply for early hearing, once the paper book is filed.

C. V. BHADANG, J.

ap/-