

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 778 OF 2015**

M/s Ira Exotica Private Limited,
A Company registered under the
Indian Companies Act, 1956 and
having its registered office at
Reg. Off. Flat No.301, Inika Residency,
Civil Lines, Nayapura,
Kota (Raj.) 324001
and Branch Office :
Hotel Jaipur Palace,
Tonk Road, Jaipur – 302015

... Petitioner

Versus

1. State of Goa,
through Chief Secretary,
having office at Secretariat,
Porvorim, Bardez Goa.
2. The Town Planner,
Town & Country Planning Department,
Govt. of Goa
Osia Complex,
Margao Goa
3. The Senior Town Planner,
Town & Country Planning Department,
Govt. of Goa,
Osia Complex,
Margao Goa

4. The Chief Town Planner
Town & Country Planning Department,
Govt. of Goa,
Patto Complex,
Panaji Goa.
 5. The Principal Secretary,
Town & Country Planning Department,
Govt. of Goa,
Porvorim Goa.
 6. The Assistant Engineer,
Sub-Div. II, Work Div. VI,
Public Works Department,
Fatorda, Margao Goa.
 7. The Executive Engineer,
Sub-Div II, Work Div. VI,
Public Works Department,
Fatorda, Margao Goa.
 8. The Sarpanch,
Office of the Village Panchayat,
Curtorim, Salcete Goa.
403 709.
 9. Curtorkarancho Ekvott
C/o John da Silva
H. No.510/A, Fondegall
Curtorim, Salcete Goa,
Through its Secretary,
Mr. Ponciano da Costa,
Major,
s/o Francisco Manuel Da Costa,
r/o Near Post Office,
Curtorim, Salcete Goa.
- ... Respondents

Mr. Shivan Desai and Mr. Venkatesh Ameya Nayak Salatry, Advocates for the petitioner.

Mr. P. Dangui, Government Advocate for the respondent nos. 1 to 7.

Ms. Aparna Naik, Advocate for the respondent no.8.

Mr. Nigel Da Costa Frias, Advocate for the respondent no.9.

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

Date:- 3rd July, 2017

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. Shivan Desai, learned counsel appearing for the petitioner, Mr. P. Dangui, learned Government Advocate appearing for the respondent nos. 1 to 7, Ms. Aparna Naik, learned counsel appearing for the respondent no.8 and Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent no.9.

2. The challenge in the above petition is to the revocation of the technical approval granted by the respondent no.2 dated 29.09.2015 on the ground that the subject property is not surfaced

by a road along with the requisite width from the existing 8 metres wide access leading to such property.

3. Mr. S. Dessai, learned counsel appearing for the petitioner points out that in terms of clause 6A.4(16) of the Goa Land Development and Building Construction Regulations, 2010 the petitioner is entitled for relaxation from the respondent no.2 and as such the petitioner shall file an appropriate application with that regard to the respondent no.2 satisfying them that the petitioner is entitled for such relaxation. The learned counsel further points out that the application to that effect shall be filed within one week from today.

4. Mr. Nigel Da Costa Frias, learned counsel appearing for the respondent no.9 however disputes the said contention and points out that the petitioner is not entitled for such relaxation.

5. Mr. P. Dangui, learned Government Advocate appearing for the respondent nos. 1 to 7 however submits that in case such

application is filed, the respondent no.2 shall examine the application on its own merits and reexamine the withdrawal of suspension of the revocation of the technical approval on its own merits in accordance with law.

6. In view of the above, we dispose of the above petition by granting liberty to the petitioner to file an application in terms of clause 6A.4(16) of the Goa Land Development and Building Construction Regulations, 2010 which the respondent no.2 shall examine with all other issues concerning the technical approval on its own merits in the light of the observations made herein above after hearing the parties in accordance with law within three months from today. All contentions of parties with that regard are left open to be examined on its own merits. Rule is made absolute in the above terms. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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