

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1179 OF 2016**

Mr. Amin Khan,
Son of Munawar Khan,
Major of age, Occupation-business,
Partner M/s. Khan & Co.,
Partnership Firm,
With Office at Khyber Hotel,
Katkar Building,
Old Station Road,
Margao, Goa.

.... Petitioner
Orig. Appellant

V e r s u s

The Margao Municipal Council,
Through its Chief Officer,
With Office at Municipal Building,
Margao, Goa.

..... Respondent

All the above addresses are the
registered addresses of the parties.

Mr. Usgaonkar Sudesh Manohar, Advocate for the Petitioner.

Mr. Parag S. Rao, Advocate for Respondent.

Coram:- C. V. BHADANG, J.
Date:- 14th February, 2017.

ORAL JUDGMENT:

Rule, made returnable forthwith. Learned counsel for
the respondent waives service. Heard finally by consent of

parties.

2. The petitioner is challenging the final demolition notice which has been confirmed by the Municipalities Appellate Tribunal. The contention is that the petitioner was not heard before the issuance of the notice. Shri Rao, the learned counsel for the respondent, on instructions from Shri Suhas Faldesai, Junior Engineer, who is present before the Court states that respondent no.1 shall withdraw the impugned notice and shall pass fresh orders after hearing the petitioner in accordance with law. The statement is accepted. In such circumstances, the following order is passed by consent of parties:

ORDER:

- (i) The petition is partly allowed. The impugned order dated 15/11/2016 is hereby set aside.
- (ii) The respondent shall pass a fresh order after granting opportunity of personal hearing to the petitioner and pass a fresh order in accordance with law.

(iii) Rule is made partly absolute in the aforesaid terms, with
no order as to costs.

C. V. BHADANG, J.

ap/-