

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1085 OF 2016

MR. FRANCISCO XAVIER AVELINO
D'SOUZA, REP. BY HIS POA MR.
ANTONIO NUNES.,

... Petitioner

Versus

STATE OF GOA, BY ITS CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Shri J. J. Mulgaonkar, Advocate for the petitioner.
Shri S. D. Lotlikar, Advocate General with Shri V. Sardesai,
Addl. Govt. Advocate for the respondent nos.1 and 2.
Shri H. D. Naik, Advocate for the respondent no.3.

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

Date:- 27th January, 2017

P.C.

Though the initial dispute between the two neighbours was with regard to the complaint of nuisance from the generator set, ultimately lead to withdrawal of the development permissions granted by the North Goa Planning Development Authority in favour of the petitioner. Annexure I dated 19.10.2016 gave rise to this litigation. In the order dated 6.10.2016 though there is mentioning of letter by the authority addressed to the petitioner dated 20.5.2016, a show cause notice before withdrawal of the development permission, in fact as fairly admitted by the counsel for the respondents/authority no such notice seems to have been served to the petitioner before withdrawing development

permission. In that view of the matter, we set aside the revocation order dated 6.10.2016 revoking the development permissions issued in favour of the petitioner. However if the respondent/authority needs to initiate action for violating any of the procedure they are at liberty to do so strictly adhering to the procedure contemplated.

F. M. REIS, J.

CHIEF JUSTICE, J.

vn