

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 996 OF 2016

SHRI. VENKATESH V. NAIK GAONKAR., ... Petitioner
Versus
THE STATE OF GOA, THROUGH THE
CHIEF SECRETARY AND 6 ORS., ... Respondents

Ms. Fiona A. Cradozo, Advocate for the petitioner.

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

Date:- 27th January, 2017

P.C.:

The petitioner before this Court is seeking intervention of this Court mainly on the ground of being a senior citizen of 92 years, complaining inaction on the part of the respondent Authorities, so far as demolition of the alleged extended illegal construction said to have been put up by the party respondent is concerned. Apparently, the party respondent seems to have put up the illegal construction long long before, on a piece of land said to be the property of the petitioner. So far as initial alleged illegal construction and occupation is concerned, the petitioner has not initiated any action whatsoever till date on the ground that the petitioner is not a permanent resident of Goa. According to him, he visits Goa off and on, and, therefore, the party respondent has come into possession of the piece of land belonging to the petitioner, upon which he has put up the alleged

illegal structure.

2. We fail to understand as to how the petitioner has become wise now when the extended illegal construction said to have been put up, by approaching this Court, seeking intervention on the complaint of inaction on the part of the respondent.

3. So far as the alleged illegal construction is concerned, we are informed that the 7th party respondent has approached the learned Single Judge of this Court, seeking a relief restraining the respondent Panchayat from demolishing the alleged construction and the matter is pending. Apparently, the petitioner seems to be a party in the said proceedings. Whether, the alleged illegal construction can be demolished or not, is a subject-matter in the other writ petition. Therefore, we are not expressing any opinion on the same. So far as the initial alleged illegal construction is concerned, it is well settled that even if a rank trespasser seems to be in settled possession of a property, his eviction from the illegal occupation has to be adhering to the procedure as contemplated in law.

4. With these observations, we dispose of the writ petition. It is left open to the petitioner to seek early disposal of the matter pending before the learned Single Judge, may be on the ground of senior citizen.

F. M. REIS, J.

CHIEF JUSTICE, J.

ssm.