

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA***  
***WRIT PETITION NO.238 OF 2018***

Anton Xavier Fernandes & Anr. .... Petitioners

V/s.

The Member Secretary, North Goa  
Planning and Development Authority  
Panaji and ors. ....

Respondents.

Mr. Prashant Vengurlekar, Advocate for the petitioners.

Mr. Amogh Prabhudessai, Additional Govt. Advocate for respondent  
No.2.

***Coram : N.M. Jamdar &  
Prithviraj K. Chavan, JJ.***

***Date : 28 February 2018.***

**P.C.:**

Heard the learned Counsel for the petitioners.

2. The averments in the petition disclose that the petitioners and the private respondent are co-owners of the plot in question and Regular Civil Suit No.100/2016/C is pending before the Court of Civil Judge, Junior Division, Panaji. The respondent has also filed a counter-claim therein seeking declaratory right, while the

petitioners have sought a permanent injunction. During the pendency of such a civil suit wherein the counter-claim has been filed, the petitioners are seeking action of demolition.

3. Considering the fact that the disputed questions are involved regarding title of the petitioners and the suit is pending between the parties, it is not a case of grant of writ of mandamus sought for by the petitioners.

4. Keeping contentions of all the parties open to be considered in the civil suit, the writ petition is disposed of.

***Prithviraj K. Chavan, J.***

***N.M. Jamdar, J.***