

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 158 OF 2018

MOHAMMED FARHAN CUTCHI @ MOHAMMED
FARHAN MEMON., ... Petitioner

Versus

THE SOUTH GOA PLANNING AND
DEVELOPMENT AUTHORITY, THR. ITS
MEMBER SECRETARY AND ANR., ... Respondents

Shri Kaif Noorani, Advocate for the petitioner.
Shri Menino Pereira, Advocate for the respondent no.1.
Shri A. Prabhudessai, Additional Government Advocate for the
respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 5th July 2018

P.C.

Heard the learned Counsel for the parties.

2. The learned Counsel for the petitioner points out that the impugned order passed by the Town and Country Planning Board is absolutely unreasoned. It is submitted that the reliance placed by the Board on the decision of this Court in PIL WP No.13/2017 (wrongly mentioned as WP No.14/3027) is also misplaced in as much as there was no direction issued by this Court for demolition of the said structures.

3. The learned Additional Government Advocate appearing for the respondent no.2 Board, on instructions from Shri Anand Deshpande, Dy. Town Planner submits that the Board shall rehear the petitioner and shall decide the appeal afresh in

accordance with law.

4. In such circumstances, by consent of parties, the following order is passed :

- (i) The petition is partly allowed.
- (ii) The impugned order dated 25/01/2018 passed by the Board is hereby set aside.
- (iii) TP/B/APL/162/17/2018(P)/168 is restored back to the file of the Town and Country Planning Board for deciding it afresh in accordance with law.
- (iv) The Board shall decide the matter as expeditiously as possible and within a period of six months from the receipt hereof.
- (v) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA