

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 201 OF 2018

SWAPNA DEVELOPERS, THR. ITS
PARTNER, PRAKASH KOTHARI.,

... Petitioner

Versus

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

... Respondents

Shri Yogesh V. Nadkarni and Ms. H. Fernandes, Advocates for
the petitioner.

Shri Menino Pereira, Advocate for the respondent no.1.

Shri A. Jamadar, Additional Government Advocate for the
respondent no.2.

Shri Nigel D'Costa Frias, Advocate for the intervenor.

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. Shri Nigel D'Costa Frias, the learned Counsel for the intervenor submits that the application for intervention has been filed before the Board and the Board may also be directed to hear and decide the application for intervention on its own merits.

5. 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/163/17(P)/175 is restored back to the file of the Town and Country Planning Board for deciding it afresh in accordance with law.
- (iv) Needless to mention that the Board shall also decide the application for intervention after hearing the intervenor, in accordance with law.
- (v) The Board shall decide the matter as expeditiously as

possible and within a period of six months from the receipt hereof.

(vi) The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA