

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.15 OF 2018.

The Colva Civil and Consumer Forum,
Rep. by its Secretary, Judith A. B. Almeida ... Petitioner.

Versus

The State of Goa, thr. Its
Chief Secretary and 5 others. ... Respondents.

Mr. Nigel Costa Frias, Advocate for the Petitioner.

Ms. S. Linhares, Additional Government Advocate for Respondent
nos.1, 5 and 6.

Mr. S. Desai, Advocate for Respondent nos.2 and 3.

Mr. C. A. Ferreira, Advocate for Respondent no.4.

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

Date : 2 August 2018.

P.C.:

Heard learned Counsel for the Parties.

2. The Petitioner has filed this Petitioner mainly on a ground that the Respondent nos.2 and 3, without obtaining any necessary permissions are proceeding to construct on survey nos.39/3A of village Colva, Salcete Goa.

3. The learned Counsel for the Petitioner and the Respondents have pointed out that in the meanwhile the Authorities have issued show cause and also Stop Work Order to Respondent nos.2 and 3.

4. The learned Counsel for Respondent nos.2 and 3 submitted that since the show cause notice and the Stop Work Order have been issued, Respondent nos.2 and 3 will abide by them and follow the process of law and only if it is so legally permitted, Respondent nos.2 and 3 will carry out further construction.

5. An affidavit on behalf of the Respondent nos.2 and 3 is filed by Respondent no.2. In this affidavit, the commitment made by the learned Counsel on behalf of Respondent nos.2 and 3 has been reiterated by them on oath. The Respondent nos.2 and 3 have also annexed photographs to the affidavit of the present stage of construction. This affidavit and photographs annexed with the counter signatures on the photographs, are taken on record and the averments made are accepted.

6. Respondent nos.2 and 3 will give copies of the affidavit with necessary signatures on the photographs for the purpose of record to the Village Panchayat, GCZMA and Town and Country Planning Department within a period of one week.

7. If any construction is raised by Respondent nos.2 and 3 in violation of the statement made before this Court, it will be viewed seriously. The learned Counsel for Respondent nos.2 and 3 states that Respondent no.2 is present in Court and is aware of the order passed and implications of the breach thereof.

8. In view of this position, we do not find it necessary to pursue the cause brought before us in public interest any further.

9. Needless to state that all pending proceedings, or the ones to be instituted on the subject matter, if any, will be taken to their logical end as per law.

10. Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.