

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 537 OF 2018

VIJAY RAJARAM TARI DHARGALKAR., ... Petitioner

Versus

THE BICHOLIM MUNICIPAL COUNCIL,
THR. ITS CHIEF OFFICER, BICHOLIM., ... Respondent

Shri Shivan Dessai, Advocate for the petitioner.

Shri S. D. Padiyar, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 20th June 2018

ORAL ORDER :

Heard Shri Dessai, the learned Counsel for the petitioner and
Shri Padiyar, the learned Counsel for the respondent.

2. Shri Padiyar, the learned Counsel for the respondent, on instructions, states that he has no objection for production of the documents before the Municipalities Appellate Tribunal. He also submits that he has no objection for setting aside the order passed by the Chief Officer, which is subject matter of challenge in the appeal. He submits that the new incumbent shall consider the matter afresh and pass appropriate orders in accordance with law.

3. On hearing the learned Counsel for the parties, I find that the substantive order directing demolition, is challenged before the Municipalities Appellate Tribunal in appeal, which is pending and, therefore, it would be for the Tribunal to pass appropriate orders in view of the statement made on behalf of the respondent before this Court. However, considering the fact that the respondent has no objection for production of the document, which is sought to be produced on behalf of the petitioner, the petition is allowed. The impugned order is hereby set aside. Production of the documents namely the application dated 10/08/2017 filed under the RTI Act and the information supplied pursuant thereto, are allowed to be produced. The Tribunal shall pass appropriate orders in the appeal in the light of the statement made on behalf of the respondent.

C. V. BHADANG, J.

SMA