

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 680 OF 2018

NYANESHWAR MOTIRAM PRABHU., ... Petitioner

Versus

SANKHALI MUNICIPAL COUNCIL, THR.
ITS CHIEF OFFICER AND ANR., ... Respondents

Mr. S. Desai, Advocate for the Petitioner.
Mr. D. Gaonkar, Advocate for the respondent no.1.

Coram:- R. M. BORDE &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 5th December 2018

P.C.

The learned counsel appearing for the petitioner seeks leave to withdraw the petition with liberty to avail of alternate remedy available in law for redressal of his grievance. Leave granted with liberty as prayed for. Petitioner makes a prayer for grant of protection from demolition of his structure which has been raised on disputed property until he is in a position to secure an order from the alternate forum.

2. In the circumstances, we direct respondents not to take any coercive action against the petitioner for a period of four weeks from today in order to facilitate petitioner to secure appropriate protection order from the alternate forum. It is clarified that merely because this court has granted limited protection to the

petitioner, the same shall not be construed as expression of opinion by this Court as regards the merits of the contentions raised by the petitioner and concerned authority would have liberty to take appropriate decision in the matter and even as regards grant of interim order on consideration of the merits of the case and in accordance with the provision of law.

3. In view of the above, Writ Petition is disposed of.

PRITHVIRAJ K. CHAVAN, J.

R. M. BORDE, J.