

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.704 OF 2018

Shrikant Suryakant Navelkar ... Petitioner

Versus

State of Goa & Ors. Respondents

Mr. J. J. Mulgaonkar, Advocate for the Petitioner.

Mr. A. Jamadar, Additional Government Advocate for Respondent Nos.1, 2, 3 and 5.

Mr. Vibhav Amonkar holding for Mr. A. D. Bhobe, Advocate for Respondent No.4.

Mr. N. Pai, Advocate for Respondent No.6.

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

Date : 31 July 2018.

P.C. :

Heard the learned counsel for the parties.

2. Leave to amend to correct the name of Respondent No.6 is granted. Amendment to be carried out forthwith.

3. In view of the reliefs sought for and the stand taken by the Respondent No.6, it is not necessary for us to scrutinize the controversy raised before us in detail. The Petitioner has sought a writ against the Town and Country Planning Department to enforce the direction to stop the construction work issued by show cause notice dated 11 June 2018. The Petitioner has also sought a relief to direct the Respondents to stop the construction as described in prayer (b) of the prayers. While issuing notice on 9 July 2018, we had passed the following order.

“Issue notice to the Respondents, returnable on 31 July 2018.

2. Mr. A. Jamadar, learned Addl. Govt. Advocate waives notice on behalf of the Respondent nos.1, 2, 3 and 5.

3. Learned Counsel for the Petitioner has drawn our attention to the Show Cause Notice issued by the Deputy Town Planner, Town and Country Planning Department Mr. S. P. Surlakar, in which private Respondents have been directed to show cause as regards the ongoing construction and stop the ongoing construction immediately. That the show cause notice has been breached has also been pointed out by the Petitioner by communication dated 14 June 2018. Therefore, in the meanwhile, we place the responsibility of ensuring that the Stop Work notice dated 11 June 2018 is implemented, upon by the Authority who had issued this

show cause notice i.e Deputy Town Planner.

4. The learned Advocate General states that the responsibility has been placed on the Deputy Town Planner will brought to his notice for him to take necessary steps forthwith.”

4. The learned counsel for Respondent No.6 states that the Respondent No.6 will show cause to the notice and file its reply and in the meanwhile, the Respondent No.6 will abide by the stop work notice issued. This statement made on instructions is accepted.

5. To a query to the learned Addl. Government Advocate within how much time the show cause notice will be taken to its logical end by the Authority, the learned Addl. Government Advocate on instructions, from Mr. S. P. Surlakar, Deputy Town Planner, Mapusa states that within 30 days the final decision on the show cause notice will be taken.

6. Accordingly, the writ petition is disposed of by directing the Town and Country Planning Department who has issued the show cause notice to complete the proceedings pursuant to the show cause notice within a period of 30 days. Pending the disposal of the proceedings, ad-interim order dated 9 July 2018, to continue.

7. Respondent-Town and Country Planning Department while deciding the proceedings will also take into account the material placed by the Petitioner in the writ petition. Needless to state that the proceedings be completed as per law and all contentions are kept open.

8. The writ petition is disposed of in the above terms.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.