

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 719 OF 2018

ORESTE EDIGO D'SILVA.,

... Petitioner

Versus

**VILLAGE PANCHAYAT OF SOCORRO AND 4
ORS.,**

... Respondents

Shri Gajendra Usgaonkar, Advocate for the Petitioner.

Shri Amey Kakodkar, Advocate for the Respondent Nos. 1 and 2.

Shri John Lobo, Advocate for the Respondent No. 3.

Shri Pradosh Dangui, Additional Government Advocate for the Respondent No. 4.

Ms. Priyanka Kamat, Additional Government Advocate for the Respondent No. 5.

Coram:- C. V. BHADANG, J.

Date:- 13th July 2018

P.C.

Heard Shri Usgaonkar, the learned Counsel for the petitioner and the learned Counsel appearing for the respondents.

2. The petitioner is challenging the order dated 06.07.2018, by which, the learned Trial Court has refused to grant any ad-interim relief and the application for temporary injunction is fixed on 18.07.2018. It appears that the petitioner has not even produced the certified copy of the impugned order in this petition.

3. The contention of the petitioner is that he has obtained permission and no objection certificate from the Comunidade, as also permission from the Village Panchayat to keep the gada/kiosk in the disputed property, which is tried to be interfered with.

4. A bare perusal of clause nos. 8 and 10 of the permission dated 14.11.2014, granted by the Village Panchayat, show that it is a movable cart and there was a specific condition imposed that the cart should be moving from one place to another and the cart should not stand in one place for more than two hours.

5. Prima facie, at this stage, it appears that the permission does not create any right to keep the gada/kiosk permanently in the disputed property. Thus, no case for grant of indulgence is made out at this stage. In any event, the matter, before the Trial Court, is fixed on 18.07.2018. The petition is dismissed. It is made clear that the learned Trial Court shall decide the application for temporary injunction, on its own merits and without being influenced by any of the observations made herein.

C. V. BHADANG, J.