

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO.448 OF 2009.***

Dattaram Prabhugaonkar ... Petitioner.

Versus

State of Goa, Through
Chief Secretary and 6 others. ... Respondents.

None for the Petitioner.

Mr. A. Bhobe, Advocate for Respondent no.2.

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

Date : 18 September 2018.

P.C.:

This petition was filed by the Petitioner in respect of a dilapidated building of a market situated at Valpoi Goa. The grievance was made by the Petitioner that the Municipal Council was not taking steps to protect and repair the market. The Petitioner had sought a prayer for demolition of Municipal building and reconstruct building. Municipal Council had shown its willingness to reconstruct the building, however, there were certain issues with the occupants of the building.

2. On 24 March 2011, while issuing Rule, the Division Bench has passed following order :

- “ Heard learned Counsel for the parties. Rule.
2. Respondents waive service.
 3. In the Light of the order passed today in Writ Petition No.84/2011, we are of the view that, *prima facie*, all obstacles and hindrances in commencing the construction work of the new market complex, are removed. The only impediment was the refusal of one of the occupants to vacate the shop premises. That having been taken care of, the Authorities and the Council will now commence the construction in the right earnest and endeavour to complete the building in time, so that all those who are entitled to alternate premises/shops will not have to wait endlessly and indefinitely.
 4. Needless to state that the Authorities will abide by the time schedule prescribed, inasmuch as they themselves state that they would complete the construction within 15 months from the date of receipt of all approvals and grant of permissions. In the light of this, no interim orders are necessary.”

The Division Bench had noted that in the light of the order passed in Writ Petition No.84 of 2011, all obstacles and hindrances in commencing the constructions work of the new market complex are removed. The only impediment was the refusal of one of the occupants to vacate the shop premises, that also stood removed. The

statement of the Authority that they would complete the construction within 15 months from the date of receipt of the approvals was recorded.

3. When the Petition came up for hearing on 31 August 2018, the learned Counsel for the Petitioner had made a statement that the building has been demolished and reconstructed building is in its place and nothing more survive in the Petition. On that date the learned Counsel for the Municipal Authority was not present. Today when the matter is called out, the learned Counsel for the Municipal Council confirms the position that the building is demolished and new building has been put up.

4. The main grievance of the Petitioner was in respect of condition of the building which has been taken care of. We therefore, do not deem it necessary to keep this petition pending. If there are any other issues apart from the reconstruction of the building, it is open to the concerned parties to agitate their cause. With these observations, Petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.