

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.739 & 740 OF 2017
WITH
CIVIL APPLICATIONS NO.106 OF 2018
AND
CIVIL APPLICATIONS NO.107 OF 2018

Confraria Do SSMO Sacramento & Anr. ... Petitioners
Versus
Village Panchayat of Curca & Ors. Respondents

Mr. Nigel Costa, with Ms. M. Correia, Advocate for the Petitioners.

Mr. J. A. Lobo with Ms. Sneha Lingudkar, Advocate for Respondent No.1.

Mr. A. Prabhudessai, Addl. Government Advocate for Respondent Nos.2, 3 and 5.

Mr. Ajit R. Kantak, Advocate for Respondent No.4 and for the Applicants in the Civil Applications.

***Coram : R.M. Borde &
Prithviraj K. Chavan, JJ.***

Date : 10 December 2018.

P.C.:

The learned Advocate General appearing for the Respondents No.2, 3 and 5 has produced on record a copy of the show cause notice issued on 7 December 2018 to Respondent No.4. Respondent No. 4 has been directed to show cause within eight days from the date of receipt of the notice as to why the technical

clearance order issued on 26 March 2012 should not be withdrawn. The copy is marked "X" for identification. Since the matter is under consideration of the Town and Country Planning Department, no further orders need to be issued as regards the proposed construction by Respondent No.4.

2. The learned Counsel appearing for Respondent No.4, on instructions, informs that the construction activity will not be commenced unless all necessary permissions are in place. The statement made is accepted.

3. As regards issuance of directions to Respondent No.5 to declare the Church of Our Lady of Rosary at Curca, Tiswadi, Goa as a Protected Monument under the Goa Ancient Monuments and Archaeological Sites & Remains Act, 1978, the learned Advocate General appearing for Respondent No.5 states that the instant petition will be considered as a representation and the request of the Petitioner will be dealt with in accordance with the Act of 1978, and appropriate decision will be taken expeditiously and will be communicated to the Petitioners.

4. In view of the order as above, both the Writ Petitions are disposed of. It is clarified that this Court has not expressed any

opinion as regards the merits of the Petitions, as well as the defence raised by the Respondents and it would be open for the parties to avail of the remedy available in law in an appropriate Petition.

5. So far as the prayers made in the Civil Application No.106/2018 and no.107/2018 are concerned, the ~~Petitioner~~ applicants/respondent would be at liberty to raise the contentions and renew the prayers after the decision of the Town and Country Planning Department as regards the issue of technical clearance granted in favour of Respondent No.4, which has been questioned in the show cause notice dated 7 December 2018.

6. In view of the disposal of the Writ Petitions, the Civil Applications do not survive and stand disposed of.

(Prithviraj K. Chavan, J.)

(R.M. Borde, J.)

Corrected as per order dated 14/12/2018
