

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1005 OF 2017

Shaikh Mohammad Rafic

... Petitioner

Versus

State of Goa & Ors.

... Respondents

Mr. Sahish Mahambrey, Advocate for the petitioner.

Ms. P. Bhandari, Addl. Government Advocate for respondent nos.1, 2, 3 and 7.

Mr. P. Vengurlekar, Advocate for respondent nos.5 and 6.

Mr. Ashwin D. Bhobe, Advocate for respondent nos.4 & 8.

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

Date : 27th November 2018.

P.C. :

It is informed that the application seeking regularisation of the construction tendered by respondent nos.5 and 6 has been turn down by the Deputy Town Planner. The learned counsel for the concerned respondents states that his clients propose to challenge the order passed by the Deputy Town Planner by initiating appropriate proceedings. It is open for the concerned respondents to take

appropriate proceedings within a period of four weeks and to secure appropriate orders for protecting the construction raised by the concerned respondents. In the event of failure of respondent nos.5 and 6 to secure the appropriate protection orders from the appropriate forum within a period of four weeks from today, the Panchayat shall take action as regards the demolition of the illegal construction raised by the concerned respondents within a period of six weeks from the date of the expiry of period of four weeks set out as above.

2. It is clarified that merely on account of grant of time of four weeks to respondent nos.5 and 6 for securing appropriate protection orders, it shall not be construed that we have expressed any opinion as regards the merit of the contention raised by the concerned respondents and the appropriate Authority or Court shall have to deal with the contentions, those may be raised by the concerned respondents on its own merits and in accordance with the provisions of law.

3. In view of the above, the writ petition is disposed of.

Prithviraj K. Chavan , J.

R. M. Borde , J.

*at**