

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO.25 OF 2016

Mr. Dilip V. Hegde & Anr ... Petitioners

Versus

State of Goa,
Through its Chief Secretary & Ors. ... Respondents.

Mr. Abhijeet Kamat, Advocate for the Petitioners.

Mr. D. Lawande, Advocate General with Mr. D. Shirodkar, Addl.
Government Advocate for Respondent Nos.1 to 5.

Mr. A. D. Bhobe and Ms. S. Bhobe, Advocates for Respondent No.6.

Mr. A. Nachinolkar, Advocate for Respondent No.7.

Mr. B. Sardesai, Advocate for Respondent No.8.

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

Date : 25 April 2018.

P.C. :

On 4 April 2018, the following order was passed.

*“This petition has been pending since the
year 2016. Various orders have been passed*

from time to time. The learned counsel appearing for the Municipal Council and the learned Additional Government Advocate state that the construction carried out by Respondent no.8 is not legal. The learned counsel for the Municipal Council submits that the Municipal Council is in process of carrying out the demolition and is only awaiting the allotment of demolition squad.

2. The learned counsel for the Petitioners makes a grievance that the Respondent No.8 is avoiding service even though he has filed a petition in this Court. From the perusal of the various orders passed in this petition, the grievance made by the learned counsel for the Petitioners appears to be justified. Since both, the Government Authorities and the Municipal Council have concluded that the structure is illegal, it is expected that they will proceed as per the law.

3. The learned counsel for Respondent No.6 states that the requisition for demolition squad will be made within four working days to the Deputy Collector. If such requisition is made, the Deputy Collector will extend all cooperation immediately and assist the Respondent No.6 in performance of its task of carrying out the demolition as per the law.

4. Before the next date, the Respondent No.6 will also examine whether the structure

now sought to be put up by the Respondent No.8, as stated in the affidavit dated 15 January 2018 filed by the Petitioners, is illegal or otherwise and take necessary steps in that regard. Stand over to 25 April 2018.”

2. The learned counsel appears on behalf of Respondent No.8 seeks time however, the learned counsel for the Petitioners, learned counsel for Respondent No.6 and learned Advocate General point out that as regards the legality of the structure of Respondent No.8 as specified in the petition is concerned, same stands concluded and even the Writ Petition filed by the Petitioners challenging the order passed by the Tribunal, is dismissed.

3. Therefore, there is no question of any further indulgence to the Respondent No.8. The learned counsel for Respondent No.6 states that the requisition has been made to the demolition squad and deployment of the demolition squad is awaited. The learned Advocate General states that Authorities will deploy the demolition squad at the earliest.

4. Considering the request made by the Respondent No.8 for grant of some time, we direct that the demolition squad be

provided to the Respondent No.6 on 14 May 2018. It is open to the Respondent No.8 to carry out the demolition by himself before the next date and carry away his effect before the next date.

5. As regards the structure which is stated to be put up during the pendency of the petition, statement is made on behalf of Respondent No.6 that the same shall be ascertained and necessary steps will be taken. The Respondent No.6 will accordingly examine the position and proceed as per law.

6. The proposed inquiry in respect of this structure which is put up subsequently, need not detain us in disposing of PIL Writ Petition. In the light of the above directions that we have issued, PIL Writ Petition is disposed of.

Prithviraj K. Chavan , J.

N.M. Jamdar, J.