

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1045 OF 2018

Smt. Degolation Trinity Fernandes

... Petitioner

Versus

State of Goa & Anr.

... Respondents

Mr. Dhaval Damodar Zaveri, Advocate for the petitioner.

Mr. Deep D. Shirodkar, Addl. Government Advocate for the respondents.

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

Date : 5th December 2018.

P.C. :

The petition is presented seeking a direction to respondent no.2 to take action in view of the representations tendered dated 17th September 2018 and 8th October 2018. The relief is also claimed to issue a direction to respondent no.2 to physically demarcate the stipulated site so as to facilitate the petitioner to erect a shack. It is

observed by the Division Bench of this Court in the order dated 30th October 2018 that in fact the petitioner had undertaken this Court to shift the shack erected to another place and in view of the submission made while disposing of the Writ Petition No.103 of 2018, a direction was given to the respondent not to demolish the shack constructed by the petitioner and it was further observed that in case the petitioner fails to remove the shack constructed at the present place within a week, the petitioner would be liable to be punished for contempt of the Court. It has also been brought to the notice of the Court by way of presentation of an additional affidavit that when the action of demolition was sought to be taken, the petitioner with common intention wrongfully restrained the Government officials from discharging their lawful duty and abused the officials and other staff and assaulted them. The Court has *prima facie* concluded that the petitioner has committed breach of the directions issued by this Court. The petitioner though denied the contentions, has also at the same time tendered an apology. We are of the considered opinion that since the petitioner herself is violator of the law and has not adhered to the undertaking given to the Court, she is not entitled to claim any relief from the equity Court. It would be open for the Authority to take appropriate steps as permissible in law. It has been pointed out by the learned Additional Government Advocate that the shack has

already been removed and as such no further steps are required to be taken.

2. Considering the fact that the petitioner is a lady and that she has tendered an apology, we do not propose to take any action against her, however, we direct the concerned Authority to take appropriate steps as permissible in law.

3. For the reasons recorded above, no interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition stands rejected.

Prithviraj K. Chavan , J.

R. M. Borde , J.

*at**