

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 241 OF 2019

Mohan Singbal.

..... Petitioner.

Versus

The Margao Municipal Council & Ors.

..... Respondents.

Mr. Ashwin D. Bhobe, with Ms. A. Fernandes, Advocates for the Petitioner.

Mr. C. A. Coutinho, Advocate for Respondent No.1.

Ms. Neha Kholkar, Add. Govt. Advocate for Respondent No.2.

Mr. Gaurang D. Panandiker, Advocate for Respondent No.3.

***Coram : S.C. Gupte &
Prithviraj K. Chavan, JJ.***

Date : 13th June, 2019.

P.C. :-

1. Heard learned Counsel for the Petitioners and learned Counsel for the Respondents.

2. The Petition seeks a mandamus against Respondent No.1 Municipal Council for initiating action to implement a demolition order passed by Respondent No.1 Municipal Council and confirmed in appeal by the Goa Municipalities Appellate Tribunal. The order of the Appellate Tribunal was passed on 24 January 2017. By this order, the appeal of Respondent No.3 was partly allowed. Respondent No.1

Council was directed to process the application of Respondent No.3 dated 19.11.2015 for regularisation of the temporary structures submitted by him and decide if the structures could be regularised. Respondent No.3 was directed to comply with all formalities, necessary to be complied with under the relevant provisions of law and building bye-laws. The entire exercise was to be completed within 6 months. Execution of the impugned order of demolition was to be subject to the decision, if any, on the application for regularisation.

3. It emerges from the record that Respondent No.1 Council had given adequate opportunities to Respondent No.3 to file requisite documents in support of his application for regularisation. Last such communication in this behalf was dated 30 November 2018. It is not in dispute that till the filing of the present Petition, there was no response to this communication on the part of Respondent No.3.

4. Learned Counsel for Respondent No.3 submits that his client has now furnished documents and made a request for regularisation. The Respondent No.1 Municipal Council, in its reply, has stated that not only the original period, but even the grace period allowed by Respondent Municipal Council has expired and that Respondent No.3 has been issued a final demolition notice on 22

January 2019. The Municipal Council, in its reply, has stated that the Petitioner was also informed that the structures would be demolished after 7 days of receipt of the notice. Learned Counsel appearing for Respondent No. 1 Municipal Council states that an action would be taken forthwith and the temporary structures would be demolished in pursuance of the final demolition notice. Respondent No.1 Municipal Council may, accordingly, proceed to do so.

5. Writ Petition is disposed of accordingly.

Prithviraj K. Chavan, J.

S.C. Gupte, J.