

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 392 OF 2019

IN

PUBLIC INTEREST LITIGATION WP NO. 18 OF 2018

SANJEEV KUMAR GUPTA.,

... Applicant

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 33 ORS.,

... Respondents

Mr. Kapil D. Kerkar, Advocate for the Applicant.

Mr. P. Faldessai, Addl. Government Advocate for Respondent
Nos.1 to 5 and 7 to 12.

Mr. A. Phadte, Advocate for the original Petitioner.

Mr. Ashwin D. Bhobe, Advocate for Respondent Nos.13 & 14.

Ms. K. Pednekar, Advocate for Respondent Nos.17 to 22.

Coram:- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.

Date:- 28th June 2019

P.C.

The present Misc. Civil Application is taken out in a PIL petition. The controversy in the PIL petition concerns illegal tree cutting and development carried out in the subject property. By an order of 9th July, 2018, passed by this Court in PIL petition, this Court observed that the work of plotting and construction was carried out without permissions and if indiscriminate sale deeds were allowed to be executed, innocent parties would suffer. Accordingly, the Officer Incharge registering the sale deeds in the area in question was directed not to entertain any

request for registering of sale deeds and making of consequent entries in the record of rights unless the purchasers of the subject plots or applicants therein seek leave from the Court in the pending PIL petition.

2. The present application is filed by the Applicant on the ground that he has purchased a plot as a bonafide purchaser; the change of zone of the land was permitted by the Government of Goa vide its Notification; and that he should be allowed to partition the plot. The prayer is for modification of the order dated 9th July, 2018. There is no question of modification of the order. The question is merely of granting leave to the Applicant to take his case before the Authorities for partition. As and when the application is taken before the Authorities, the Authorities will decide the same in accordance with law. It is clarified that the order of 9th July, 2018 shall not come in the way of the Authorities, while considering the application on the part of the Applicant herein. The application may be decided on merits.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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