

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 83 OF 2019

SHUBADHA SUBHASH MASURKAR., ... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY, GOVT. OF GOA AND 5
ORS., ... Respondents

Mr. Shivan Desai and Mr. V. Parsekar, Advocates for the
petitioner.

Mr. V. Pednekar, Advocate for the respondent no.2.

Ms. S. Linhares, Addl. Govt. Advocate for the respondent
nos.3,4 and 6.

Mr. Menio Pereira and Mr. S. Korgaonkar, Advocates for the
respondent no.5.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 29th January 2019

P.C.

After this matter was heard for sometime, the learned
Counsel for the Mormugao Planning and Development
Authority(MPDA),(respondent no.5) on basis of instructions
makes a statement that the petitioner's application dated
20.12.2018 (Exh. A-15 colly at page 67 of the paper book) will
be decided on its own merits and in accordance with law and
within a period of three weeks from today. Such decision will be
communicated to the petitioner as well as Mormugao Municipal
Council (MMC)(respondent no.2) within a period of one week

from the date the same is taken. This statement is accepted.

2. Similarly, the learned counsel for the MMC (respondent no.2) based on the instructions states that the petitioner's application for regularisation will be decided by the MMC within a period of two weeks from the date of receipt of the decision from the MPDA. We note that the Municipal Appellate Tribunal in Municipal Appeal No.30/2017, by order dated 12.3.2018 had in fact directed MMC to examine if structure in question can be regularised in accordance with law. This exercise would require to be completed within a period of two weeks. Accordingly, statement made on behalf of the MMC is also accepted.

3. MMC to also communicate its decision to the petitioner within a period of one week from the date the same is taken.

4. The main grievance of the petitioner in this petition was that her application for regularisation was not been considered by the aforesaid authorities. Now that, aforesaid statements have been made, this grievance no longer survive. This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

5. In case the petitioner desires to make any fresh application or file documents with MPDA or MMC, the petitioner is granted three days time to do so. The two authorities, accordingly, accept such application/document, if filed within three days from today.

6. All concerned to act on the basis of the duly authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.