

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 644/2019

IN

PUBLIC INTEREST LITIGATION WP NO.18 OF 2018

Mrs. Malti Gupta. Applicant

V/s.

1. State of Goa, through its Chief
Secretary and 32 Ors. Respondents

WITH

MISC. CIVIL APPLICATION NO. 451/2019

IN

PUBLIC INTEREST LITIGATION WP NO.18 OF 2018

1. Mr. Dinesh Dashrath Singh & Anr., Applicant

V/s.

1. State of Goa, through its Chief
Secretary and 32 Ors. Respondents

WITH

MISC. CIVIL APPLICATION NO. 452/2019

IN

PUBLIC INTEREST LITIGATION WP NO.18 OF 2018

Mr. Rajesh Yadav. Applicant

V/s.

1. State of Goa, through its Chief
Secretary and 32 Ors. Respondents

WITH
MISC. CIVIL APPLICATION NO. 645/2019
IN
PUBLIC INTEREST LITIGATION WP NO.18 OF 2018

Mr. Uday Rajendra Singh. Applicant
V/s.
1. State of Goa, through its Chief
Secretary and 32 Ors. Respondents

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

Mr. A.P. Phadte, Advocate for the Original Petitioner.

Mr. Deep Shirodkar, Additional Government Advocate for the Respondents no.1 to 5 and 7 to 12.

Mr. Ashwin D. Bhobe, Advocate for the Respondents no.13 and 14.

Mr. Shivan Desai with Ms. M. Viegas, Advocates for the Respondents no.17 to 22.

Coram : M. S. SONAK &
N. D. SARDESSAI JJ.

Date : 18th July, 2019.

P.C.:

Heard Mr. Kerkar, Advocate for the applicants in each of these Civil Applications. Mr. Kerkar submits that the applicants had purchased plots in the suit property even before the petition was instituted. He submits that the applicants desire now to apply with

the Authorities for permission to partition the plots and thereafter to take undertake construction thereon. He submits that the applicants are innocent purchasers and therefore the Order dated 9/7/2018 should be modified so as to enable the applicants to proceed to secure permissions to make development and construction in the suit plots.

2. The allegation in this petition is that the respondents no.13 & 14, 17 to 21, the developers and owners of the larger property, without any permissions from the statutory authorities have purported to sub divide the larger property into plots. The applicants claim to be the purchasers of such plots. The Order dated 9/7/2018 notes that no permissions have been granted by the Forest Department for cutting of trees and there are also no permissions to do and to undertake such development. Today Mr. D. Shirodkar, the learned Additional Government Advocate points out that the larger property has been classified partly natural cover, partly no development slope and partly settlement in the concerned Regional Plan.

3. Taking into consideration the aforesaid circumstances, no exceptions can be made in favour of the applicants based upon the Sale Deeds by which they claim to have purchased the plots in the larger property.

4. In case, the applicants feel that these facts about the non-existence of permissions were not disclosed to them by their vendors, the applicants are at liberty to take recourse to appropriate proceedings against the vendors. However, no case is made out for seeking any modification of the Order dated 9/7/2018. Accordingly, all these Civil Applications are dismissed. There shall be no Order as to costs.

NUTAN D. SARDESSAI, J. M. S. SONAK, J.

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