

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 218 OF 2019

SAVIO FERNANDES AND 5 ORS., ... Petitioners

Versus

**THE MEMBER SECRETARY, NORTH GOA
PLANNING AND DEVELOPMENT
AUTHORITY, PANAJI AND 4 ORS.,** ... Respondents

Ms. K. Govekar, Advocate for the Petitioners.
Mr. S. Mahambrey, Advocate for Respondent No.1.
Mr. Pranay A Kamat, Advocate for Respondent No.2.
Ms. A. Tirodkar, Advocate for Respondent No.3.
Mr. A. Nachinolkar and Mr. H. Vaze, Advocates for Respondent No.4.

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

Date:- 25th June 2019

P.C.

The grievance in this petition concerns an alleged illegal construction. The Petitioners seek a writ of mandamus directing Respondent Nos.1 and 2 to take steps in accordance with law to demolish the construction. Respondent No.2 Panchayat has already issued demolition order and Respondent Nos.3 and 4 have already filed an appeal before the Director of Panchayats and the matter is pending consideration before the Director of Panchayats.

2. So far as Respondent No.1 is concerned, learned counsel

appearing for it places on record a final notice issued under Section 52 of the Town and Country Planning Act, 1974 holding inter alia, pursuant to a personal hearing in the matter, that the construction/development carried out was illegal, and directing Respondent Nos.3 and 4 to demolish the same and restore the set back area to its original. The Authorities having thus acted in pursuance of law, the grievance of the Petitioners has been fully redressed. Nothing accordingly survives in the petition. The petition is accordingly disposed of as infructuous. It is clarified that while disposing of this petition, this Court has not taken into account the merits of the steps taken by the Authorities or orders passed in pursuance thereof. In case Respondent Nos.3 and 4 are aggrieved by those orders, they will have to pursue appropriate remedy.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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