

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 398 OF 2019**

GOPAL ONDU GAWAS.

... Petitioner

VersusTHE GOA HOSUING BOARD, THR. ITS
MANAGING DIRECTOR AND ANR.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. N. Amonkar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. S. P. Munj, Addl. Government Advocate for the Respondents.

Coram:- M. S. SONAK &**NUTAN D. SARDESSAI, JJ.****Date:- 27th September, 2019****P.C.**

Heard Mr. S. D. Lotlikar, learned Senior Advocate alongwith Mr. Amonkar for the Petitioner and Mr. D. Pangam, learned Advocate General alongwith Mr. Munj for the Respondents.

2. The only grievance of the Petitioner in this petition is that the Respondent No.1 is not executing a sale deed in favour of the Petitioner in terms of the Agreement dated 23.07.2004 relating to the allotment of a plot in a portion of the property bearing survey No.24/1-A at Curca.

3. Mr. Pangam, learned Advocate General submits that the

Petitioner has encroached upon the portion of the Board's land bearing survey No.24/1-A at Curca and unless and until such encroachment is removed, there is no question of execution of any sale deed.

4. Mr. Pangam however states that no sooner the encroachment is removed, the Board is not averse to the execution of the sale deed.

5. Mr. Pangam, in fact points out to the averments in paragraphs 24 and 25 of the affidavit filed by the Managing Director of the Goa Housing Board which read as follows :-

“24. I say that, in view of the aforesaid facts the Petitioner may be directed to remove all its encroachments on Boards land bearing Survey No.24/1-A at Curca to the satisfaction of the Respondent No.1 and also undertake not to claim any rights on the land acquired by the Board.

25. I say that, upon removal of the said encroachments and the undertaking by the Petitioner as mentioned at para 24, the Respondent No.1 shall execute the Sale Deed as per the said Agreement for sale upon obtaining approval for the same from the Government as decided the Board in its 471st meeting held on 09/11/2017.”

6. Mr. Lotlikar on instructions, submits that so called encroachment has already been cleared. He submits that the Board's officials may visit the site to verify this position and only upon due satisfaction, may execute the necessary sale deed.

7. Mr. Pangam, learned Advocate General states that the Board's officials will verify the position and if it is found that the encroachment is indeed cleared, the Board, will execute the sale deed within a period of four weeks from the date of such verification.

8. Mr. Pangam states that the verification process will be completed within two weeks from today.

9. By accepting the aforesaid statement, we dispose of this petition and direct the Petitioner and the Board to act accordingly.

10. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

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

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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