

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 281 OF 2018.

Kashinath Jairam Shetye and anr.

... Petitioners

Versus

The Chief Secretary, State of Goa and
5 ors.

... Respondents.

Petitioner no.1 present in person.

Mr. D. Lawande, Advocate General with Mr. D. Shirodkar, Addl. Govt.
Advocate for the respondent nos.1 to 5

Mr. P. S. Rao, Advocate for respondent no.6.

**Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.**

Date:-2 April , 2019.

P.C.

Mr. P. Rao, learned Counsel appearing for respondent no.6- Mr. Deepak Chandrakant Naik, on instructions states that he would withdraw the application dated 7.5.2018 filed by him for regularisation of residential cum commercial building in Chalta No.12 of P. T. Sheet No.12 of Panaji Goa filed before Goa Coastal Zone Management Authority(GCZMA) on which recommendation is made by the said Authority in 176th meeting held on 22.6.2018 for regularisation of the said structure. Statement is accepted.

2. In view of the statement made by respondent no. 6, it is made clear that order dated 22.6.2018 in so far as clause 2.16 passed by the said Authority stands set aside.

3. Learned Counsel appearing for respondent no.6 further states on instructions that application filed by his client for change of user and additional floor on 10.10.2017 before the Goa Coastal Zone Management Authority to be considered by the said Authority on its own merits. Statement is accepted.

4. Learned Advocate General for respondent nos.1 to 5 states that said application filed by respondent no.6 would be considered by respondent no.2 on its own merits after hearing respondent no.6 as well as petitioners within 8 weeks from today. Statement is accepted. Respondent no.2 shall consider the application filed by respondent no.6 on its own merits and in accordance with law. It is made clear that this Court has not expressed any views on the merit of the matter. All the contentions of the parties are left open. The order that would be passed by respondent no.2 shall be conveyed to the respondent no.6 as well as to the petitioners within one week from the date of passing of such order.

5. In view of aforesaid order which is passed by consent of all the parties, petitioner no.1 states that Writ Petition No. 281 of 2018 be disposed of on aforesaid terms. Statement is accepted. Writ Petition is accordingly disposed of on the aforesaid terms.

6. Parties would be at liberty to file appropriate proceeding depending upon the out come of the order that may be passed by the respondent no.2 on the application filed by respondent no.6. There shall be no order as to costs.

7. In view of the disposal of Writ Petition 281 of 2018, all other pending MCA's, if any, also stand disposed of.

8. Parties to act on the basis of authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

vn*