

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 282 OF 2019

KALPANA V. KAMAT.,

... Petitioner

Versus

THE MORMUGAO MUNICIPAL COUNCIL,
THR. ITS CHIEF OFFICER AND 9 ORS.,

... Respondents

Mr. Kaif Noorani, Advocate for the Petitioner under Legal Aid Scheme.

Mr. Vithoba Vishram Pednekar, Advocate for Respondent No.1.

Mr. H. Arsekar, Advocate for Respondent Nos.2, 5 and 6.

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

Date:- 24th June 2019

P.C.

Learned counsel for Respondent Nos.2, 5 and 6 tenders his reply to the petition. Copies have been served across the bar on the other Advocates.

2. This writ petition seeks a writ of mandamus directing Respondent No.1 Municipal Council to demolish an illegal extension/construction carried out on the rear side of shop No.6 situated at Nayak Real Estate Building at Baina. The structure has been constructed by the predecessor in title of Respondent Nos.2, 5 and 6. The Municipal Council has already issued a final notice of demolition to the predecessor in title of Respondent

Nos.2, 5 and 6.

3. Notice was issued as far back as in November, 2013. Respondent Nos.2, 5 and 6 do not contest this notice any more and submit to the orders of this Court. Learned counsel appearing on their behalf submits that they have no objection to demolish the structure. Since, however, the building housing the structure itself has been declared as dangerous, they would not do so and rather leave it to the Municipal Council to do so. The Writ Petition is, accordingly, disposed of by directing the Municipal Council to act on their final notice dated 21.11.2013 within a period of four weeks from today.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

at*