

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.406 OF 2019**

Ferdinando Fernandes,
major of age,
r/o. H. No.370, Igreja Vaddo,
Agonda, Canacona, Goa.

.... Petitioner

V/s.

1. Goa Coastal Zone Management
Authority, through its Member
Secretary, Saligao, Bardez - Goa.
2. Village Panchayat of Agonda,
through its Secretary,
Agonda – Goa.
3. The Block Development Officer,
Chawdi, Canacona - Goa.
4. The Deputy Collector,
Chawdi, Canacona - Goa.
5. Mr. Darshan Pisslo Naik Gaonkar,
major of age,
c/o. Diraj Gokuldas Pagi,
H. No.384/B and 384/C,
Dhavaikhajan, Agonda,
Canacona – Goa.
6. Mrs. Gauri Anand Asonotikar,
major of age,

c/o. Nilesh Gokuldas Pagi,
H. No.384/B and 384/C,
Dhavalkhajan, Agonda,
Canacona – Goa.

7. Mr. Chiquito Fernandes,
major of age,
H. No.373/A, Dessaiwaddo,
Agonda, Canacona – Goa.

8. Mr. John Fernandes,
major of age,
H. No.542/D, Karashimol,
Agonda, Canacona – Goa.

9. Mr. Abel Borges,
major of age,
H. No.383, Igrejawaddo,
Agonda, Canacona – Goa.

10. Mr. Hendrick Mateus Fernandes,
major of age, H. No.372,
Igrejawaddo, Agonda,
Canacona – Goa.

11. Mr. Shankar Prasad Raju Pagi,
major of age, H. No.154,
Parvem, Agonda,
Canacona – Goa.

12. Hevona Fernandes,
major of age, H. No.371,
Igrejawaddo, Agonda,
Canacona – Goa.

.... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for the Respondents no.1, 3 and 4.

Mr. Pranay A. Kamat, Advocate for the Respondent no.2.

Mr. S.D. Lotlikar, Senior Advocate with Mr. J. Karn, Advocate for the Respondent no.5.

Mr. Ketan Morajkar, Advocate for the Respondent no.6.

Ms. Pranita Narayan Gawandi, Advocate for the Respondents no.7, 8, 9 and 11.

Mr. Valmiki Menezes, Advocate for the Respondent no.10.

Mr. Ryan Da Piedade, Advocate for the Respondent no.12.

**Coram : M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date : 13th August, 2019.

Oral Order: (Per M.S. Sonak, J.)

Heard Mr. Nigel Da Costa Frias, the learned Counsel for the petitioner. Mr. D. Pangam, the learned Advocate General along with Mr. Deep Shirodkar, the learned Additional Government Advocate for the respondents no.1, 3 and 4. Mr. Pranay A. Kamat, the learned Counsel for the respondent no.2. Mr. S.D. Lotlikar, the

learned Senior Advocate along with Mr. J. Karn, Advocate for the respondent no.5. Mr. Ketan Morajkar, the learned Counsel for the respondent no.6. Ms. Pranita Narayan Gawandi, the learned Counsel for the respondents no.7, 8, 9 and 11. Mr. Valmiki Menezes, the learned Counsel for the respondent no.10 and Mr. Ryan Da Piedade, the learned Counsel for the respondent no.12.

2. Heard the learned Counsel for the parties. Mr. Nigel Da Costa Frias, the learned Counsel for the petitioner points out that the final demolition notices have been issued by the respondent no.2 in so far as the illegal structures put up by the respondents no.5, 6, 7, 8, 9 and 11 are concerned. He points out that this final demolition notices are part of the record. In fact, we find that the respondent no.2, the Panchayat who have issued these notices have not disputed this position.

3. Mr. Pranay A. Kamat, Advocate for the respondent no.2 however points out that the structures for which the final notice for demolition have been issued have been demolished by the parties. The parties state that they have already demolished the structures. Mr. Lotlikar, the learned Senior Counsel also states that these structures have already been demolished.

4. In the aforesaid circumstances, we direct the respondent no.2, the Panchayat to once again visit the site to hold the site inspection and see whether the structures exist at the site or are demolished. If the structures have not been demolished then the Panchayat – respondent to demolish the structures within a period of six weeks from today. In case, the Panchayat requires the assistance of the Demolition Squad, the learned Advocate General has stated that such Demolition Squad will be made available to the Panchayat within a period of two weeks from the requisition. Mr. Pranay Kamat states that in case such structures exists at the site, such requisition will be made at the earliest and in any case within a period of four weeks from today. According to us, the grievance of the petitioner with regard to the illegal structures, stands substantially redressed by these directions.

5. Insofar as the structures put up by the respondents no. 10 and 12 are concerned the respondent no.2 Panchayat has only issued Show Cause Notices to these defendants. Accordingly, we direct the respondent no.2 Panchayat to take steps to dispose of the Show Cause Notices as expeditiously as possible and in any case, within a period of six weeks from today. Needless to state that the Panchayat will act in accordance with the principles of natural justice before any orders are made in connection with the Show Cause

Notices.

6. We clarify that, in this petition, we have not gone into the issues of ownership of the property where the structures were put up. All the contentions of the respondents on this issue are therefore expressly left open.

7. This petition is accordingly disposed of with the aforesaid directions. There shall be no order as to costs.

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

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