

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.545 OF 2018

Gaurish Naik ... Petitioner

Versus

State of Goa & 3 Ors. ... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Kher Simoes,
Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for the
Respondent nos.1 to 3.

Mr. H. D. Naik, Advocate for the Respondent no.4.

Mr. A. Naik, Advocate for the Respondent no.5.

Coram :- C. V. BHADANG, J.

Date : 16th July, 2019.

ORAL ORDER

By a common order dated 16.07.2019 in Writ Petition nos.542, 543 and 544 of 2018 involving a similar issue about the regularisation of the subject structures, the applications dated 21.11.2017 filed by the petitioners in the aforesaid three Writ Petitions have been remitted back to the learned Administrator of Comunidade, South Zone, Margao, for deciding them afresh in accordance with law.

2. The petitioner has also filed a similar application dated

21.11.2017 before the learned Administrator of Comunidade.

It would be thus appropriate that a similar order is passed in the present petition. Consequently, the petition is disposed off in the following terms :

(i) The impugned order is hereby set aside. The application dated 21.11.2017 filed by the petitioner is restored to the file of the learned Administrator of Comunidade, South Zone, Margao, for disposal on its own merits and in accordance with law. The Administrator of Comunidade shall decide the application as expeditiously as possible and preferably within a period of eight weeks from today.

(ii) Needless to mention, that Administrator of Comunidade shall decide the application upon hearing the petitioner, the respondent no.5 (original Complainant) and the Comunidade of Sancoale.

(iii) The parties to appear before the Administrator of Comunidade on 02.08.2019 at 10.00 a.m.

(iv) The order of demolition shall be subject to the outcome of the application dated 21.11.2017.

(v) Rival contentions of the parties on merits are left open.

(vi) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

arp/*