

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.576 OF 2019

Adwalpalkar's Shelter Co-operative
Housing Society, Opposite
Kamat Classic IV, Caranzalem,
Taleigao, Goa, represented by its
Secretary Mahesh V. Denjani,
appointed vide resolution passed
by the Managing Committee at its
meeting held on 8/2/19.

.... Petitioner.

Versus

1) North Goa Planning and Development
Authority, presently now Greater Panjim
Planning & Development Authority,
Archdiocese Building, 1st Floor,
Mala Link Road, Panaji, Goa 403001.

2) Mrs. Shweta Manohar Kamat,
r/o. Flat No.D/IV 4, Block B2,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

3) Mr Rajendra Kumar Singhal,
r/o. Flat No.SXT/1, Block E,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

4) Mrs. M.K. Purnima,
r/o. Flat No.ETH/2, Block G,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

5) Mr. Ajit Mittal,

r/o. Flat No.801, 802, Block D,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

6) Mr. Vinit Bichu
r/o. Flat No.ETH/2, Block I,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

7) Mr. Raja Muliya,
r/o. Flat No.KTH/1, Block G,
Piolem, Morod, Kerant Taliegao,
Goa, major in age, Indian National;

8) Mr. Milind Digambar Redkar,
r/o. Flat No.KTH/1, Block H,
Piolem, Morod, Kerant Taleigao,
Goa, major in age, Indian National. Respondents.

Mr. V. A. Lawande, Advocate for the Petitioner.

Mr. Sahish Mahambrey, Advocate for Respondent No.1.

Ms. K. Govekar, Advocate for Respondent No.2.

Mr. S. N. Joshi, with Ms. S. Rawool, Advocate for Respondent No.3.

Ms. W. Coutinho, with Ms. A. Sudhakar, Advocate for Respondent No.6.

Ms. A. A. Agni, Senior Advocate with Ms. S. Naik, Advocate for Respondent No.7.

***Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.***

Date : 9th September, 2019.

ORAL JUDGMENT: (Per M.S. SONAK, J.)

Heard Mr. V.A. Lawande for the Petitioner, Mr. Sahish Mahambrey for Respondents No.1, Ms. K. Govekar for

Respondent No.2, Mr. S. N. Joshi for Respondent No.3, Ms. W. Coutinho for Respondent No.6 and Ms. A. A. Agni, Senior Advocate with Ms. S. Naik for Respondent No.7.

2. Rule. Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. In this Petition, the main grievance of the Petitioner is that Respondent No.1, which is the Greater Panjim Planning and Development Authority, is not taking action on the complaints made by the Petitioner in relation to the alleged illegal construction undertaken by Respondents No.2 to 8.

4. On 4th September, 2019, we made the following Order :

“At the request of Mr. V. Fernandes, who holds for Mr. S. Mahambray, appearing for Respondent No.1, we adjourn the matter to 9.9.2019. This is primarily in order to enable Respondent No.1 to make a statement as to within what period Respondent No.1 will dispose of the complaints/representations made by the Petitioner or to further make a statement as to the time period within which Respondent No.1 will dispose of the notices issued to some of the Respondents.

2. S.O. to 9th September, 2019.”

5. Today, Mr. Mahambrey, learned Counsel appearing for Respondent No.1 states that show cause notices have already been issued to Respondents No.2 to 8 on the basis of the complaints of

the Petitioner and the show cause notices will be disposed of in accordance with law and on their own merits, within three months from today. Mr. Mahambrey also places on record the show cause notices dated 21st August, 2019, issued to Respondents No.2 to 8.

6. According to us, the aforesaid statement, which we accept as statement to this Court, substantially redresses the grievances of the Petitioner as raised in this Petition.

7. The learned Counsel for the Respondents point out that some directions be issued to Respondent No.1 to comply with the principles of natural justice and fair play, before the show cause notices are disposed of. Mr. Lawande, the learned Counsel for the Petitioner submits that even the Petitioner may be heard before the show cause notices are disposed of.

8. Mr. Joshi, learned Counsel for Respondent No.3 points out that apart from the Respondents impleaded to this Petition, there are even others who have also carried out illegal constructions. He submits that suitable directions be issued to Respondent No.1 to take action in the matters of such illegal constructions, as well.

9. According to us, Respondent No.1 will have to comply with the principles of natural justice and fair play while disposing of the show cause notices. This will, *inter alia*, include affording an opportunity of hearing to the Petitioner herein, who is the

complainant, as well as Respondents No.2 to 8, against whom some action is proposed to be taken. Accordingly, we direct Respondent No.1 to follow the principles of natural justice and fair play whilst disposing of the show cause notices.

10. Ms. A. Agni, learned Senior Advocate appearing for Respondent No.7 points out that the show cause notice issued to respondent No.7 refers to certain documents, however, copies of such document have not yet been furnished to Respondent No.7, despite demand. Mr. Mahambrey, the learned Counsel for Respondent No.1 states that the documents referred to in the show cause notices will be furnished to the respective parties within a period of one week from today.

11. In so far as the contention of Mr. Joshi is concerned, it is open to Respondent No.3 to make complaint to Respondent No.1 pointing out the instances of illegal constructions and if such a complaint is made, we have no doubt that Respondent No.1 will take appropriate action, as may be permissible under law, in that regard.

12. The Rule in this Petition is disposed of with the aforesaid directions. It is made clear that we have not examined the contentions of the parties, on merits and, therefore, it is for Respondent No.1 to dispose of the show cause notices on their own merits, in accordance with law, and by complying with the principles

of natural justice and fair play.

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

Nutan D. Sardesai, J.

M.S. Sonak, J.