

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 451 OF 2019

DERIC PINTO REBELO AND ANR., ... Petitioners

Versus

THE STATE OF GOA, THR. CHIEF
SECRETARY, GOVT. OF GOA AND 2
ORS., ... Respondents

Mr. A.F. Diniz, with Mr. Ryan Da Piedade Menezes, and Mr. Nigel Fernandes, Advocates for the Petitioners.
Mr. Dattaprasad Lawande, Advocate General with Mr. A. Jamadar, Additional Govt. Advocate for Respondents No.1 and 2.

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

Date:- 3rd June 2019

P.C.:

1. This writ petition challenges an order passed by the Collector, South Goa District, Margao on 31st May, 2019. By the impugned order, the Collector has called upon Respondent No.3 to revoke the construction licence issued to the Petitioners.

2. At the hearing of the Petition, it is agreed between the Petitioners and the State that the impugned order of the Collector may be set aside and that the Collector shall, instead, decide the application made by the Petitioners under sub-Section (1) of Section 32 of the Goa, Daman and Diu Land Revenue Code,

1968 ("Code") for permission to use the land for commercial purposes, in accordance with law. It is agreed that in terms of the Technical Clearance dated 12th June, 2018, and the construction licence dated 12th February, 2019, read with Sanad dated 17 February 2016, the Petitioners may go ahead with the proposed construction, but shall not occupy or use the premises for commercial purposes without obtaining suitable orders on the application of the Petitioners under Section 32(1) of the Code. The construction that may be carried on in the meantime by the Petitioners shall be subject to final orders that may be passed on the Petitioners' application under Section 32(1) of the Code.

3. It is ordered accordingly and the Petition is disposed of in the above terms. It is made clear that while passing this order and disposing of the Petition, this Court has not applied its mind to the merits of the case and all rights and contentions, on merits, are kept open.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

ssm.