

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 580 OF 2019**

Shri Bhagwant E. Naik,
Son of Shri Eknath G. Naik,
Aged 64 years, Retired,
R/O. Flat No.M-J-1,
Housing Board Colony,
Curti Ponda.

.... Petitioner

V e r s u s

1. Village Panchayat of Curti Khanepar,
Curti Goa,
Represented through Secretary,
Curti, Khandepur, Curti, Goa.

2. Shri Rohidas B. Kurpaskar,
Son of Bhikaro Kupaskar,
R/O. Flat No.M-J-3,
Housing Board Colony,
Curti Ponda.

..... Respondents

Adv. Agha Iftikhar for the Petitioner.

Mr. Gokuldas Kudalkar, Secretary of Respondent no.1 present in person.

Adv. Jagannath Jayant Mulgaonkar for Respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 16th September, 2019.

Oral Order:

Heard Mr. Agha, the learned counsel for the petitioner and Mr.

Gokuldas Kudalkar, the Secretary of the respondent no.1. I have also heard Mr. Mulgaonkar, the learned counsel for the second respondent.

2. On hearing the learned counsel for the petitioner and on perusal of the record, I do not find that any case for interference is made out.

3. The learned counsel for the petitioner has raised two contentions. First, that there is no resolution supporting the notice of demolition dated 24/12/2014 and secondly that in the sketch attached to the transgression report, the construction of the garage is not shown to be illegal. None of these contentions can be accepted.

4. A bare perusal of the notice dated 24/12/2014 shows that it refers to a meeting of the Panchayat which was held on 4/12/2014, in which the decision was taken. The Secretary of the first respondent has produced a copy of the resolution dated 4/12/2014 today. Thus the first ground does not survive. Even so far as the second ground is concerned, mere non mention of the construction of the garage as illegal will not be decisive, as the transgression report as well as the show cause notice dated 27/10/2014 and the final demolition order dated 24/12/2014 specifically refers to the conversion of the balcony into a room and the construction of the garage.

Admittedly the petitioner has not produced any licence or permission for such construction. At this stage Mr. Igha, the learned counsel for the petitioner, on instructions, states that the petitioner shall apply for regularization. In the result, the petition is dismissed with no order as to costs. It is made clear that this Court has not expressed any opinion on the merits of the application for regularization, if filed.

C. V. BHADANG, J.

Ap/-