

IN THE HIGH COURT OF BOMBAY AT GOA

**Writ Petitions no.
152/2018, 132/2018, 133/2018, 136/2018, 140/2018, 148/2018**

WRIT PETITION NO. 152 OF 2018 and others

ANTHONY BARBOSA., **... Petitioner**

Versus

SHANTI FERNANDES RATOS AND 2 ORS., **... Respondents**

Adv. D. J. Pangam for the Petitioner.

Adv. Byron Rodrigues for Respondent no.1.

Adv. Nigel D Costa for Respondent no.2.

Mr. Deep Shirodkar, Addl. Government Advocate for Respondent no.3.

With

WRIT PETITION NO. 132 OF 2018

ANTHONY BARBOSA., **... Petitioner**

Versus

ANTONIO RATOS AND 2 ORS., **... Respondents**

Adv. D. J. Pangam for the Petitioner.

Adv. Byron Rodrigues for Respondent no.1.

Adv. Nigel D Costa for Respondent no.2.

With

WRIT PETITION NO. 133 OF 2018

ANTHONY BARBOSA., **... Petitioner**

Versus

SALVADOR LOPES AND 3 ORS., **... Respondents**

Adv. D. J. Pangam for the Petitioner.

Adv. Byron Rodrigues for Respondent no.1 and 2.

Adv. Nigel D' Costa for Respondent no.3.

With

WRIT PETITION NO. 136 OF 2018

ANTHONY BARBOSA.,

... Petitioner

Versus

**ESTELLA LOPES (DEC) THR. HER LRS.
AND 2 ORS.,**

... Respondents

Adv. D. J. Pangam for the Petitioner.

Adv. Byron Rodrigues for Respondent no.1.

Adv. Nigel D Costa for Respondent no.2.

Mr. S. Dhargalkar, Addl. Government Advocate for Respondent no.3.

With

WRIT PETITION NO. 140 OF 2018

ANTHONY BARBOSA.,

... Petitioner

Versus

**NATALINA FERNANDES (DEC), REP. BY
LRS, ANTONIO FERNANDES AND 2 ORS., ... Respondents**

Adv. D. J. Pangam for the Petitioner.

Adv. Byron Rodrigues for Respondent no.1.

Adv. Nigel D Costa for Respondent no.2.

Mr. A. Jamdar, Addl. Government Advocate for Respondent no.3.

With

WRIT PETITION NO. 148 OF 2018

ANTHONY BARBOSA.,

... Petitioner

Versus

**SURESH KERKAR (DEC) REP. BY LRS.
GEETA KERKAR AND 2 ORS.,**

... Respondents

Adv. D. J. Pangam for the Petitioner.

Adv. Shivan Desai for Respondent no.1.

Adv. Nigel D Costa for Respondent no.2.

Mr. V. Sardesai, Addl. Government Advocate for Respondent no.3.

Coram:- C. V. BHADANG, J.

Date:- 8th February 2019

Common Order:

Affidavit in rejoinder of the Petitioner to the reply filed by the respondent no.1 is taken on record.

2. All these petitions involve common issues and can be conveniently disposed off by this common order.

3. On hearing the learned counsel for the parties and having regard to the fact that the Additional Director of Panchayats has found that the subject construction is without permission of the respondent/panchayat and without any approval from the Technical Officer of P.W.D, Town and Country Planning Department and without conversion sanad and that the construction also falls within 500 mtrs of the High Tide Line, which is in violation of the coastal regulation Zone Rules and coast Zone Management authority, which finding has been confirmed by the learned District Judge, I do not find that any case for interference was made out in the order of demolition. The

learned Adhoc District Judge after confirming the finding of the Addl. Director of Panchayats ought to not have allowed the revision application. 4.

4 The District Judge has allowed the revision application in the following terms:

“The present Civil revision Application is granted. The impugned Judgment and order dated 17/2/2016 passed by the learned Addl. Director of Panchayat-I at Margao-Goa, is quashed and set aside. The applicant is instructed to approach the concerned authorities for regularizing the said structures as per provisions of law within period of six months from today failing which the respondent Panchayat shall demolish the said structure as per Block Development Officer”

In one of the cases (W.P. No.136/2018) the learned District Judge has granted time of three months.

5. It can thus be seen that once the learned District Judge had directed demolition of the structures after six months in the event of failure to obtain order of regularization, the learned District Judge could not have set aside the impugned order passed by the learned Addl. Director of Panchayats.

6. It transpired during the course of the arguments at bar that the first

respondent in these petitions have approached the Village Panchayat for regularization of the subject structures. However till today there are no orders passed on the said regularization application.

7. Considering the overall circumstances, a time of four months is granted to the first respondent to obtain the orders of regularization, failing which the order for demolition of the subject structures shall be implemented. The learned counsel for the petitioner undertakes to file objection to the application for regularization within one week from today.

8. In the result the petitions are disposed of in the following terms:

- (i) The impugned order/s passed by the learned District Judge in these petitions are hereby modified;
- (ii) The Revision applications filed before the learned District Judge shall stand dismissed;
- (iii) Time of four months is granted to the respondent no.1 in these petitions to obtain the order of regularization, if any, failing which the order of demolition of the subject structures shall be implemented.
- (iv) The concerned authorities shall decide the application for regularization on its own merits and as expeditiously as possible, after permitting the petitioner/s to file an objection to the application, as aforesaid.

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

C. V. BHADANG, J.

ap/-