

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 331 OF 2018

RAJESH MOHAN GAONKAR ... Petitioner
Versus
STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS ... Respondents

WITH

WRIT PETITION NO. 740 OF 2018

Rajesh Mohan Gaonkar ...Petitioner
Versus
State Of Goa, Thr. Its Chief Secretary
and 2 Ors. ...Respondents

Mr. Deepak Gaonkar, Advocate for the petitioner.

Ms. Neha Kholkar, Additional Government Advocate for
respondents No.1 to 3.

Mr. Neelesh Takkekar, Advocate for respondent No.4.

Mr. Deep Shirodkar, Additional Government Advocate for
respondents No.1 to 3 in WP No. 740 of 2018.

Coram:-S. C. GUPTE &

NUTAN D. SARDESSAI, JJ.

Date:- 2nd July 2019

P.C.:

Heard learned Counsel for the petitioner, learned
Additional Government Advocate for respondents No.1,2 and 3

and learned Counsel appearing for respondent No.4 - Panchayat.

2. Rule

3. Prima facie, the grievance of the petitioner in the present case is that after issuance of Occupancy Certificate the respondent-Panchayat should not have cancelled it for those portions of the building which are said to have been constructed contrary to the approved plans, but ought to have proceeded under Section 66 of the Panchayat Raj Act requiring the petitioner to show cause and, in the absence of such cause, to require the subject alteration or addition to be removed or demolished, appears to be justified. Hence, pending the hearing and final disposal of the petition, there will be interim relief in terms of prayer clause (I) which is quoted below:

"(I) Pending the hearing and final disposal of Petition, Letter / Communication / Order dated 24/01/2018 issued by Respondent No.4 may kindly be stayed in the interest of justice."

4. The companion petition, namely, Writ Petition No.740/2018, concerns revocation of the petitioner's Completion Certificate by the Town and Country Planning

Department. The main grievance appears to be based on violation of the principles of natural justice. The petitioner's complaint is that he was not heard before passing the impugned order. Records of the case do indicate that there was no hearing granted to the petitioner before the impugned order of cancellation of his Completion Certificate was passed. The petition, in the premises, is disposed of by quashing and setting aside the cancellation of Completion Certificate and directing respondent No.3 to give hearing to the petitioner and pass a fresh order thereafter on the subject in accordance with law. Writ Petition No.740 of 2018 is disposed of accordingly.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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