

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 619 OF 2019**

Mr. Sharafat Khan,  
S/o Hussein Khan,  
Major of age, business,  
Resident of H. No.115/a,  
Valpoi, Satari, Goa.

.... Petitioners

V e r s u s

1. State of Goa,  
Through its Chief Secretary,  
Porvorim-Goa.

2. The Valpoi Municipality,  
Through its Chief Officer,  
Valpoi-Goa.

.... Respondents

Adv. Kapil D. Kerkar for the Petitioner.

Ms. Sapna Mordekar, Addl. Government Advocate for Respondent no.1.

Adv. S. D. Padiyar with Adv. P. Shirodkar for Respondent no.2.

**Coram:- M. S. SONAK &  
NUTAN D. SARDESSAI, JJ.  
Date:- 7th August, 2019.**

**Oral Judgment (Per M.S. Sonak, J):**

Rule. Rule, made returnable forthwith with the consent of the learned counsel for the respondents.

2. The petitioner had challenged the demolition order issued by the respondent no.2 before the Municipal Appellate Tribunal by instituting Municipal Appeal No.10/2018.

3. This appeal was disposed off by judgment and order dated 13/3/2019. The operative portion of this order reads thus:

“Appeal is party allowed.

The Appellant and Respondents no.3 and 4 shall apply for regularization of the structures along with relevant documents within 15 days from the date of this order.

The Respondent no.1 shall examine if the regularization of the structures is permissible in accordance with Municipalities Act and building bye laws, as expeditiously as possible, preferably within 30 days from the day of filing application for regularization as directed.

The execution of impugned order shall be subject to the decision on regularization.

The application for stay stands disposed.”

4. The petitioner, however, failed to apply for regularization of the structure along with the relevant documents within fifteen days from the date of the order. However, such an application was made after fifteen days, i.e. on 2/7/2019.

5. The learned counsel for the petitioner submits that according to him the application dated 2/7/2019 is a complete application. He submits that even documents have been furnished along with the said application to the Chief Officer of the Valpoi Municipal Council

6. In any case, we grant one additional opportunity to the petitioner to submit documents, if there is any deficit, in furnishing of the documents. We make it clear that with this indulgence being granted there will be no question of seeking any further extension by the petitioner.

7. Though the application for regularization was filed beyond the period prescribed by the Municipal Appellate Tribunal, in the interest of justice, we direct the Valpoi Municipal Council to consider the same on its own merits and in accordance with law. Such consideration shall have to be in terms of the order of the Municipal Appellate Tribunal made on 13/3/2019. Such consideration is to be concluded one way or the other within thirty days from today. Until such regularization is considered and appropriate order is made on the same, the Valpoi Municipal Council should not proceed with the demolition. However, if the application for regularization is rejected, than there can be no bar for the Valpoi Municipal Council proceeding with the demolition in terms of its demolition order.

8. Rule is made absolute in the aforesaid terms with no order as to costs.
9. All concerned to act on the basis of an authenticated copy of this order.

**ap/-**                      **NUTAN D. SARDESSAI, J.**                      **M. S. SONAK, J.**