

IN THE HIGH COURT OF BOMBAY AT GOA**PUBLIC INTEREST LITIGATION WP NO. 5 OF 2013**

1) Borim Development Trust,
Registered under the
Co-operative Societies Act,
under registration No.11/2011,
having office at H. No. 197,
Durganagar, Borim,
Ponda-Goa,
Through its Chairman,
Dr. Nitin Laxmidas Borkar,
54 years of age,
son of Laxmidas Borkar,
Researcher,
Resident of H.No.197,
Calmimol, Borim Go.
Fax No.: NIL
Mobile No. : 9833869245.
Pan No.: ADXPB8840p
National Unique Identity number: Nil
e-mail address: Nil.

..... Petitioner

V e r s u s

1. S T A T E O F G O A ,
Through its Chief Secretary,
Secretariat, Alto Porvorim,
Bardez- Goa.
2. Town and Country Planning Department,
Government of Goa,
Ponda-Goa.
3. The Deputy Collector,
& Sub Divisional Officer,

Ponda-Goa.
Having office at Ponda-Goa.

4. Block Development Officer,
Ponda Block, 2nd Floor,
Government Building,
Tisk, Ponda-Goa.
5. Village Panchayat of Borim,
Through its Sarpanch/Secretary,
Having office at Borim,
Ponda Goa.
6. Dinesh Gajanan Naik,
major of age,
son of Gajanan Gonu Naik,
resident of H. No.23,
Mattiwada, Borim, Ponda Goa.
7. Sharmila Dinesh Naik,
major of age,
wife of Dinesh Naik,
resident of H. No.23,
Mattiawada, Borim, Ponda-Goa.

.... Respondents

Mr. A. D. Bhobe with Ms. Kalpa Govekar, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. Sagar Gurudas Dhargalkar,
Additional Government Advocate for Respondent nos.1, 2, 3 & 4.

**Coram:- PRADEEP NANDRAJOG, CJ &
M. S. SONAK, J.**

Date:- 10th October, 2019.

Oral Judgment (Per Pradeep NandraJog, CJ)

The case of the petitioner is that after 10773.75 sq.mtrs land under
Matriz No.572 and 932 surveyed under no.126/1 of Village Borim, Taluka

Ponda was acquired by the respondent No.6 it started carving small plots by sub-dividing the land contrary to the Building Rules and Regulations in force and while so doing encroached upon a 15 metres wide road abutting the land.

2. Without pleading as to why the Town and Country Planning department, the Deputy Collector, the Block Development Officer and the Village Panchayat have been impleaded as respondents; without pleading the law under which the said respondents would be charged with any kind of a statutory duty; without pleading as to in what manner the land or the Town and Country Planning laws have been violated, the petition has been filed praying that the respondents be directed to take action against the illegal development undertaken by the respondent No.6.

3. Applying the strict rules of pleadings the writ petition needs to be rejected as not revealing any cause of action but we refrain from so doing in view of the fact that the petition has been filed in public interest.

4. The in-artistically drafted writ petition makes some sense when we look at the relevant revenue law as per which agricultural land cannot be put to any non agricultural activity without conversion obtained from the Collector. Construction therein would require a permission from the

Panchayat and the Town and Country Planing department.

5. The petition is disposed of issuing a mandamus to the third respondent to ensure that the land is used for the purpose recorded in the land Revenue Record. We issue a mandamus to the respondent Nos.2 and 5 to ensure that no construction is effected on the land without obtaining necessary permissions from the respondent Nos.2 and 5. We restrain the respondent Nos.6 and 7 from undertaking any construction activity on the land without obtaining the necessary permissions from the respondent Nos.2 , 3 and 5.

M. S. SONAK, J.

THE CHIEF JUSTICE, J.

ap/-