

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 123 OF 2019

NEIL C. DIAS

... Petitioner

Versus

STATE, THR. CHIEF SECRETARY AND 4
ORS.

... Respondents

Mr. Anthony D'Silva, Advocate for the petitioner.

Ms. P. Kamat, Additional Government Advocate for the respondents
No.1,2 and 3.

Mr. Nigel Da Costa Frias, Advocate for the respondent No.4.

Mr. V. Thali, Advocate for the respondents No.5a to 5d.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date:- 29th July, 2019

ORAL ORDER:

Heard Mr. Anthony D'Silva, learned Counsel for the petitioner,
Ms. P. Kamat, learned Additional Government Advocate for the
respondents No.1, 2 and 3, Mr. Nigel Da Costa Frias, learned
Counsel for the respondent No.4 and Mr. V. Thali, learned Counsel
for the respondents No.5a to 5d.

2. The only relief claimed in this petition is to direct the
respondent No.4, Panchayat, which is duly served in this matter to

implement the Judgment and Order dated 28th July, 2015 passed by the respondent No.2 in the matter of the demolition of the construction put up by the respondents No.5a to 5d.

3. Mr. Thali, learned Counsel for the respondents No.5a to 5d points out that the said respondents had instituted a revision before the District Court to challenge the Judgment and Order dated 28th July, 2015. However, the application seeking the condonation of delay in filing such revision has been dismissed by the appellant-Authority. As against the dismissal order, the respondents No.5a to 5d have already preferred Writ Petition No.364 of 2019 which is pending before the learned Single Judge of this Court.

4. Mr. Thali, learned Counsel also points out that the applications have been made by the respondents No.5a to 5d seeking purchase of the structure, because, it is the case of the respondents that they are the Mundkars of the structure in question. He points out that even the applications for regularisation have been made.

5. According to us, as on date there is no interim relief granted by any of the authorities to the execution of the Judgment and Order dated 28th July,2015. Accordingly, the respondent No.4 is

duly bound to execute the Judgment and Order dated 28th July,2015.

6. However, taking into consideration the submissions made by Mr. Thali, learned Counsel we direct the respondent No.4 to execute the Judgment and Order dated 28th July,2015 within a period of 12 weeks from today, unless, in the meanwhile, the respondents No.5a to 5d secure some interim relief from the appropriate authorities.

7. With the aforesaid directions, the only relief prayed for by the petitioner in the petition stands substantially worked out. The aforesaid direction is accordingly issued and the petition is disposed of accordingly. All contentions of the parties are left open, since, we have not adverted to the rival contentions on the issue of legality or otherwise of the structure in question.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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