

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 53 OF 2018

IN

WRIT PETITION NO. 54 OF 2017

MANUELITA D'COSTA AND 3 ORS.,

... Petitioners

Versus

JOAQUIM RODRIGUES.,

... Respondent

Adv. Laxmi Sawant for the Petitioners.

Mr. Pravin N. Faldessai, Addl. Governemnt Advocate for
Respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 1st August, 2019

Oral Order:

This contempt petition is filed alleging non compliance with the order dated 23/1/2017 passed by this Court in Writ petition no.54/2017. By the said order, the petition filed by the petitioners was dismissed and the Village Panchayat was directed to complete the action of demolition in accordance with law as expeditiously as possible and within a period of three months from the receipt of the order.

2. During the pendency of the contempt petition, Mr. Paresh Rawal filed Civil Application no.55/2019 for a direction to the Village Panchayat to decide the matter in accordance with law as directed by the order dated 23/1/2017. However, during the course of the hearing of the said application a statement was

made by the said applicant that he will demolish the subject construction of his own accord. There are affidavits and counter affidavits placed on record by the parties. The last of such affidavits is dated 1/8/2019 filed by the applicant along with photographs to show that the subject construction has been demolished.

3. The learned counsel for the petitioner states that certain portion of the wall is still remaining.

4. It is submitted by the learned counsel for the applicant Mr. Paresh Rawal that the said portion is retained as there is a river abutting the said portion and it is retained for the purpose of safety and security.

5. I have carefully gone through the affidavits and the photographs produced on record and I find that practically the entire construction which is said to be illegal has now been demolished. In that view of the matter there is no occasion for taking any action for contempt of the order dated 23/1/2017. The contempt petition along with C.A. No.55/2019 are disposed off. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

ap/-