

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 702 OF 2019

CARLOS MASCARENHAS AND 2 ORS., ... Petitioners

Versus

THE CHIEF OFFICER, MARGAO
MUNICIPAL COUNCIL, MARGAO., ... Respondent

Mr. Vithal Naik, Advocate for the Petitioners.

Mr. Somnath B. Karpe, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 26th August, 2019

ORAL ORDER:

Heard Mr. Naik, the learned Counsel for the petitioners and Mr. Karpe, the learned Counsel for the respondent.

2. The challenge in this petition is to the order of demolition dated 05.02.2018, passed by the respondent, which order has been confirmed by the Municipalities Appellate Tribunal (Tribunal, for short) vide judgment and order dated 29.01.2019 in Municipal Appeal No. 15/2018.

3. The only contention raised on behalf of the petitioners is that a copy of the transgression report was not furnished to the petitioners. However, the record discloses that a show cause notice was issued to the petitioners on 13.08.2013, which

specifically mentions that the transgression report was annexed to the show cause notice. In reply dated 10.12.2013, filed to the show cause notice, the petitioners did not make any grievance of non receipt of the transgression report.

4. The learned Tribunal has noticed that the petitioners were represented by an Advocate before the Chief Officer and even during the course of hearing, no such grievance was made about non receipt of the transgression report. In such circumstances, the learned Tribunal has refused to accept the contention of non receipt of transgression report, raised for the first time in appeal. I do not see any infirmity in the order passed by the learned Tribunal. The Petition is dismissed with no order as to costs.

C. V. BHADANG, J.

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