

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 683 OF 2019**

Shri Jose Bento Miranda,
Resident of H. No.140,
Aged 40 years Virabhat,
Ambajim, Margao,
Salcete Goa.

.... Petitioner

V e r s u s

The Chief Officer,
Margao Municipal Council,
Margao, Salcete, Goa.

.... Respondent.

Shri S. Karpe for the Petitioner.

Shri V. Naik for the Respondent.

CORAM: C. V. BHADANG, J.

Date: 26th August, 2019.

O R D E R:

Heard Mr. Naik, the learned counsel for the petitioner and Mr. Karpe, the learned counsel for the Respondent.

2. In this case a notice was issued to the respondent on 1/8/2016 which was made returnable on 26/8/2019. However, in the meantime, the petitioner filed a civil application for interim relief on 13/8/2019. On 16/8/2019 the said application was mentioned before this Court for grant of ad interim stay of

the order of demolition, which was accordingly granted on the same day i.e 16/8/2019. However, it now transpires that the subject structure was already demolished by the Municipal Council on 14/8/2019. This aspect was not brought to the notice of this Court when the Civil application no.163/2019 was mentioned for ad interim relief on 16/8/2019. Mr. Naik, the learned counsel for the petitioner states that there was some communication gap between the applicant and the counsel. Be that as it may, the record discloses that the initial order of demolition was passed by the respondent way back on 27/10/2015. There was a delay in challenging the said order before the Municipalities Appellate Tribunal and hence an application for condonation of delay was filed before the Tribunal, which was also dismissed on 10/1/2017. The present petition is filed on 31/7/2019 i.e. after a period of more than two and a half years of the passing of the order dated 10/1/2017. There is no explanation forthcoming for such delay. Thus apart from the fact that the demolition notice has been given effect to, the petition has also to fail, on the ground of delay and laches. The petition is accordingly dismissed with no order as to costs.

C. V. BHADANG, J.

Ap/

