

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 744 OF 2019

ALBETINA ROSY FERNANDES., ... Petitioner

Versus

MARGAO MUNICIPAL COUNCIL, THR. ITS
CHIEF OFFICER, MARGAO AND ANR., ... Respondents

Ms. K. Gracias, Advocate for the Petitioner.

Mr. Parag S. Rao, Advocate for Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 24th September, 2019

ORAL ORDER:

The office report shows that respondent no. 2, who is the original petitioner, has expired. However, the impugned notice of demolition is issued by respondent no. 1.

2. A statement is made by the learned Counsel for the respondent no. 1 that the respondent no. 1 shall carry out fresh inspection of the premises on 25.09.2019, in the presence of the petitioner and shall take appropriate action, as may be necessary, after issuing show cause notice and after serving the transgression report on the petitioner. The statement is accepted.

3. In the result, the Petition is disposed off, by consent of parties, in the following terms:

- (a) The Petition is allowed.
- (b) The impugned order dated 17.05.2017 is hereby set aside.
- (c) Respondent No. 1 shall conduct fresh inspection of the subject premises in the presence of the petitioner on 25.09.2019 at 3:00 p.m. and shall draw an appropriate transgression report.
- (d) In the event, the respondent no. 1 intends to take action on the basis of the transgression report, the respondent no. 1 shall serve a show cause notice on the petitioner alongwith a copy of the transgression report and shall pass appropriate orders, after hearing the petitioner or her representative, in accordance with law.
- (e) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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