

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 920 OF 2018

SHIVNATH SADASHIV SHETGAONKAR., ... Petitioner

Versus

THE STATE OF GOA, REP. THR. CHIEF
SECRETARY AND 7 ORS., ... Respondents

Mr. Vivek Angelo Rodrigues and Mr. Vithal Naik, Advocates for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Mr. Amogh Prabhudessai, Additional Government Advocate for the respondent nos. 1 to 5.

Ms. A. Fernandes, Advocate for respondent no. 8.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 7th February 2019

P.C.

Heard Mr. Rodrigues, learned counsel for the petitioner, Mr. Dattaprasad Lawande, learned Advocate General for respondent nos. 1 to 5 and Ms. A. Fernandes, learned counsel for respondent no. 8.

2. The learned Advocate General states that the show cause notice issued to respondent no. 8 on 9.7.2018 will be disposed of within three months from today. This statement is accepted. The Authorities are directed to dispose of the show cause notice. Mr. Rodrigues points out that now the illegal construction has been completed despite there being stop work order and even the same

is being occupied by respondent no.8. He states that there is no Occupancy Certificate for such occupation.

3. If this is so, respondent nos.4 and 5, the Director and the Block Development Officer are directed immediately to inspect the site and ascertain whether the structure is being occupied and whether there is any Occupancy Certificate issued by the concerned authorities. Prima facie, we fail to understand as to how the Occupancy Certificate can be issued in such a structure for which, there was already stop work order issued by the Authorities. If they find that the structure being occupied, then, the Authorities to take immediate action to prevent the same.

4. It is made clear that we have not gone into the rival contentions and the Authority which has issued the show cause notice will address such contentions and dispose of such show cause notice in accordance with law.

5. The Panchayat concerned is also directed to look into this matter and take action in accordance with law.

6. This petition is, therefore, disposed of, with the aforesaid directions.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.