

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.888 OF 2019
IN
WRIT PETITION NO.577 OF 2019

Orfelinda Menezes and another. Applicants.

Versus

The Margao Municipal Council
and another. Respondents.

Mr. Nigel Costa Frias, Advocate for the Applicant.

Mr. S. Karpe, Advocate for Respondent No.1.

Mr. Menino Pereira, Advocate for Respondent No.2.

Mr. S. S. Kantak, Senior Advocate with Mr. Abhijit Kamat, Advocate
for Respondents No.3 & 4.

Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.

Date : 30th September, 2019.

P.C.:

Heard Mr. Nigel Costa Frias for the Applicants, Mr. S. Karpe for Respondent No.1, Mr. Menino Pereira for Respondent No.2 and Mr. Kantak, learned Senior Advocate for Respondents No.3 and 4.

2. This Civil Application seeks modification of our order dated 9/9/2019. The Applicants seek for sealing of the disputed portion of the construction done by Respondents No.3 and 4 on the

fourth and fifth floors of the building Regency Plaza at Comba, Margao, Goa.

3. According to us, no such modification is required because, in our order dated 9.9.2019, we had made it clear that except for certain works referred to in paragraph 6, Respondents No.3 and 4 are not permitted to undertake any other work or to occupy the suit structure, until the show cause notice is disposed of by Respondent No.2.

4. Mr. Costa Frisa submits that under the garb of carrying out the work referred to in paragraph 6 of our order dated 9.9.2019, Respondents No.3 and 4 are, in fact, proceeding with other construction works. Mr. Kantak, learned Senior Advocate for Respondents No.3 and 4 strongly disputes this position.

5. According to us, taking out a misc. civil application of this kind, is not a proper remedy for redressing the Applicants' grievance that there is some alleged non-compliance with our order dated 9.9.2019.

6. Accordingly, reserving liberty to the Applicants to take out appropriate proceedings and further reserving the right of all parties to raise all contentions, if such remedy is resorted to, we dispose of this Civil Application.

Nutan D. Sardesai, J.

M.S. Sonak, J.