

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 944 OF 2019

MANNUEL FERNANDES (DEC) THR. LRS., ... Petitioner

Versus

SHREE SAUNSTHAN GOKARN, PARTHAGAL
JIVOTTAM MATH, REP. BY TREASURER
AND 6 ORS., ... Respondents

Mr.A. D. Bhobe, Advocate for the petitioner.
Mr. D. Pangam, Advocate General with Mr. S. Redkar, Addl.
Govt Advocate for respondent nos.3 to 7.

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

Date:- 25th November, 2019

P.C.

Heard Mr. A. Bhobe, learned Counsel for the petitioner.

2. Mr. D. Pangam, learned Advocate General appears for respondent nos.3 to 7.

3. Mr. Bhobe, points out that respondent nos.1 and 2 have been duly served in this matter.

4. Our record indicates that the petitioner had put up illegal structure to which demolition was ordered by the authorities. However, liberty was granted to the petitioner to seek regularisation, if permissible in law.

5. Mr. Bhobe, points out that the structure put up by the petitioner was amenable, however, no regularisation was in fact

ordered because respondent no.1, who is the owner of the property had refused to submit any NOC. Mr. Bhobe, points out that now the respondent no.1 has issued, necessary NOC which is placed on record at pages 44 to 47.

6. In peculiar facts of the present case, we direct respondent nos.5 and 6 to reconsider the petitioner's application for regularisation in accordance with law by taking into account NOC, issued by the respondent no.1. Such application, will have to be considered on its own merits and in accordance with law, within three months from today. If these authorities decide to grant the regularisation, then obviously, there is no question of implementation of the demolition order dated 25.1.2008. However, if no regularisation is granted, then, subject to any further remedy which the petitioner may have, authorities, will be duty bound to implement/execute the demolition order dated 25.1.2008, within a period of two months thereafter.

7. Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

8. All concerned to act on the basis of authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.