

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1149 OF 2018

Shree Mahadev Saunsthan,
through its Attorney.

... Petitioner.

Versus

Cacora Curchorem Municipal Council
& Ors.

... Respondents.

Mr. Shailesh Redkar, with Mr. Krishna M.N. Dessai, Advocate for the
Petitioner.

CORAM:- CHIEF JUSTICE &
M. S. SONAK, J.

Date:- 21 February 2019

P.C.:-

1. Heard the learned Counsel for the Petitioner.
2. The Petitioner alleges that Respondent No.3, who the occupant of a plot surveyed under No.448/11 of Village Cacora, Taluka Quepem, is interfering and constructing on the plot of land, owned and possessed by the Petitioner bearing Survey No.448/8 of Village Cacora, Taluka Quepem.
3. On 14 June 2018, the then Chief Officer of Respondent No.1-Cacora Curchorem Municipal Council, had issued a stop work order. But, after change in the Chief Officer, a fresh order came to be passed on 16 July 2018, pursuant to which Respondent No.3

continued with the construction. It is submitted that so far neither any inspection is carried out, nor the parties concerned are heard by the Chief Officer.

4. We have perused the record and considered the submissions advanced by the learned Counsel for the Petitioner.

5. In the facts and circumstances of the case, we direct the Chief Officer-Respondent No.2 to hear the contesting parties on the issues involved in the matter and pass appropriate reasoned orders, on its own merits, within two weeks from the date of receipt of this order. Needless to mention that Respondent No.2 shall carry out site inspection and conduct a preliminary inquiry. It is made clear that we have not expressed our opinion on the merits of the contentions raised by the Petitioner.

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

7. All parties to act on the basis of an authenticated copy of this order.

M. S. SONAK, J.

CHIEF JUSTICE