

IN THE HIGH COURT OF BOMBAY AT GOA**PIL WRIT PETITION NO.29 OF 2016**

Shri Chandrashekar Vast,
S/o. Mahadev Vast
aged 49 years
residing at Kalavati Nivas,
Behind Co-operation Bank,
Vasco-da-Gama, Goa 403 802.
PAN No.AFSPV4521N
Annual Income :
Telephone : 7972883272

.... Petitioner

V/s.

1. State of Goa,
Through office of Chief Secretary,
Secretariat, Porvorim, Bardez-Goa.

2. Collector of South Goa,
Mathany Saldanha Administrative
Complex, Margao Goa 403601.

3. Mormugao Municipal Council,
Through its Chief Officer,
Vasco-da-Gama, Goa 403802.

4. Sandeep K. Shirodkar,
r/o. H.No.41/44/PL,
Ground Floor, Maimolem,
Vasco-da-Gama, Goa 403802.

5. Shri Deepak Naik,
Presently Chairman of Mormugao
Municipal Council,
C/o. Mormugao Municipal
Council, Vasco-da-Gama, Goa 403802.

.... Respondents

Mr. C.A. Ferreira, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Additional Government Advocate for
Respondents No.1 & 2.

Mr. V. Pednekar, Advocate for Respondent No.3.

Mr. P. Talaulikar, Advocate for Respondent No.4.

Mr. Abhijeet Gosavi, Advocate for Respondent No.5.

**Coram :- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.**

Date:- 26th June, 2019

ORAL JUDGMENT : (Per S.C. Gupta, J.)

This PIL petition seeks demolition of a construction purportedly carried out by respondent no.4 in contravention of law in the property bearing P.T. Sheet No.100 Chalta No.53 situated at Vasco-da-Gama, Goa.

2. Respondent no.3 Municipal Council has already passed a demolition order. During the pendency of this petition, respondent no.3 Municipal Council issued a show cause notice to respondent no.4 concerning demolition of the structure. Respondent no.4 submitted a reply to the show cause notice and in the meantime, also made application for regularisation of the structure under the Goa Regularisation of Unauthorized Construction Act, 2016 ('the Act' for short). This Court by its order dated 11/06/2018, directed the Collector to hear the application for regularisation keeping in mind the observations of the Court made in its order and endeavour to dispose of the

same by a speaking order within eight weeks. As this Court noted in its order dated 15/04/2018, the Collector rejected the application for regularisation which respondent no.4 proposed to challenge by adopting separate proceedings.

3. The Court is informed by the learned Counsel for respondent no.4 that respondent no.4 has now filed an appeal under Section 7 of the Act. The petition is disposed of by directing respondent no.3 Municipal Council to proceed with the hearing of the show cause notice and dispose of the same within a period of eight weeks from today. It is also made clear that if the show cause notice is decided against respondent no.4 and there is no order of regularisation or stay of demolition in the appeal of respondent no.4 under Section 7 of the Act, the Municipal Council shall proceed with the demolition of the suit structure. All rights and contentions of the parties on merits are however left open. The Appellate Authority hearing the appeal under Section 7 as well as respondent no.3 Municipal Council shall permit the petitioner herein to intervene in the pending proceedings before them and make submissions.

4. The Writ Petition stands disposed of in terms stated

above.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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