

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1092 OF 2019

VILLAS SITARAM ALIM.,

... Petitioner

Versus

CUNCOLIM MUNICIPAL COUNCIL, THR.
ITS CHIEF OFFICER.,

... Respondent

Mr. Clayton Anthony Fonseca, Advocate for the Petitioner.
Mr. S.D. Padiyar, Advocate for Respondent No. 1.
Mr. D. Pangam, Advocate General with Mr. Shivadatta Prakash
Munj, Additional Government Advocate for Respondent No. 2.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 20th December, 2019

P.C.

Heard Mr. Clayton Fonseca, the learned Counsel for the petitioner, Mr. Padiyar, the learned Counsel for the respondent no. 1 and Mr. D. Pangam, the learned Advocate General alongwith Mr. Munj, the learned Additional Government Advocate for the respondent no. 2.

2. There is already a demolition order against the petitioner's structure. However, the petitioner, has been offered an opportunity to seek regularization, from the respondent no. 1. In order that the respondent no. 1 effectively considers this application for regularization, the petitioner has to obtain clearance from the respondent no. 2. For this, the petitioner has

already made an application to the respondent no. 2, which is pending consideration.

3. The learned Advocate General states that the petitioner is required to submit the sub-divisional plan. Mr. Fonseca, the learned Counsel for the petitioner states that this plan will be furnished to the respondent no. 2 latest by 24.12.2019.

4. The learned Advocate General states that if, such plan is indeed produced, the respondent no. 2, will dispose off the petitioner's application within a period of 15 days i.e. on or before 10.01.2020 and that the decision will be communicated to the petitioner as well as the respondent no. 1 i.e. Cuncolim Municipal Council.

5. Depending upon the decision of the respondent no. 2, the respondent no. 1 to take further steps in the matter. If the order by the respondent no. 1 is adverse to the petitioner, no doubt, the respondent no. 1 will have to enforce its demolition order. However, if the decision is not adverse to the petitioner, then the respondent no. 1 to take further steps and proceed under the law.

6. In view of the aforesaid observations, the respondent no. 1 will not enforce its demolition order atleast before 15.01.2020.

7. With the aforesaid, this Petition is disposed off.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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