

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1 OF 2020

**HIGHLAND HOLIDAY HOMES GOA (PVT.)
LTD., THR. ITS DIRECTOR, DEVADAS
Y. NAIK.,**

... Petitioner

Versus

**STATE OF GOA, THR. CHIEF SECRETARY
AND 7 ORS.,**

... Respondents

**Mr. Preetam Talaulikar, Advocate for the Petitioner.
Mr. Pravin Faldessai, Additional Government Advocate for
Respondent Nos. 1 to 5.**

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

Date:- 3rd January, 2020

ORAL ORDER:

Leave is granted to amend the Petition, to correct certain typographical errors, which the learned Counsel for the petitioner states have crept in. Necessary amendment to be carried out forthwith. Leave is also granted to file amended copy of the Petition.

2. Heard Mr. Talaulikar, the learned Counsel for the petitioner and Mr. Faldessai, the learned Additional Government Advocate for respondent nos. 1 to 5.

3. For the order, which is proposed to be made, it is not necessary to issue any notices to the remaining respondents.

4. The complaint of the petitioner is that the respondent no. 8, taking assistance of the respondent no. 7, who is the local M.L.A., is putting up some unauthorized construction on property bearing survey no. 12/1 in village Nerul, which according to the petitioner, is a government land. Along with the Petition, some photographs have also been placed on record. It appears that the petitioner has also made a complaint to the Village Panchayat on 28.12.2019 in relation to this construction.

5. At this stage, we dispose of the Petition by directing respondent nos. 1 to 5 to treat the present Petition as a complaint to them and if it is found that there is any substance in the allegations made by the petitioner, then, to take action in accordance with law. In fact, Mr. Faldessai, the learned Additional Government Advocate states that Mr. Atmaram Gawade, Executive Engineer, Works Division XIII (Roads), PWD, is present in the Court and on his behalf, Mr. Faldessai makes a statement that the said Executive Engineer will proceed to the site and verify the position and if it is found that any construction is indeed constructed on the government land, then, appropriate action will be taken. We also direct the Panchayat to look into the Petition and to take action in accordance with law. We clarify that the Authorities will have to comply with principles of natural justice and take appropriate action in terms

of law. We clarify that we have not examined the various allegations made by the petitioner in this Petition and therefore, none of such allegations made in this Petition are to be taken as having been accepted by us.

6. The Petition is disposed off in the aforesaid terms.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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