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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 1014 OF 2020

Pritiben S. Patel ... Petitioner
Vs.
Goa, Daman and Diu and Country
Planning Board & Ors. ... Respondents

Mr. Anup Deshmukh i/b Vinod Sangvikar, for the Petitioner.

Mr. S. S. Deshmukh, for Respondent Nos. 1 and 2.

Ms. M. S. Bane, AGP for Respondent – State.

CORAM : C. V. BHADANG, J.

DATE : JANUARY 17, 2020

PC :

1. Upon praecipe, petition is listed today under the caption “production”.

2. Heard learned counsel for the parties and the learned AGP for some time. Admittedly, an appeal filed by the Petitioner challenging the order dated 8.1.2020 is pending before the Goa, Daman and Diu and Country Planning Board. The only apprehension expressed on behalf of the Petitioner is that notwithstanding filing of the appeal, the authorities may take action for demolition of the structure.

3. In this regard it is necessary to note the provisions of sub-section (3) of Section 52 of the Goa, Daman and Diu Town and Country

Planning Act, 1974 (for short “Act”), which *inter alia* provides that where an appeal as provided by Section 52 (2)(b) is filed, notice under sub-section (1) of Section 52 shall have no effect until final determination or withdrawal of the appeal, as the case may be. I find that interest of the Petitioner is sufficiently safeguarded on account of specific provision of sub-section (3) of Section 52 of the Act. Writ petition is accordingly dismissed with no order as to costs.

Sd/-
C. V. BHADANG, J.

Vinayak Halemath

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P.
Halemath**

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by Vinayak P.
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