

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.63 OF 2021

SANTOSH VASUDEV KHORJUVEKAR ... Petitioner
VS
STATE OF GOA, THR. CHIEF
SECRETARY AND 3 ORS ... Respondents

Mr. Athnain Naik and Mr. A. Gosavi, Advocates for the Petitioner.
Mr. D. Pangam, Advocate General with Mr. G. Shetye, Additional
Government Advocate for Respondent No.1.
Mr. V. Pednekar, Advocate for Respondent No.2.
Mr. M. Pereira, Advocate for Respondent No.3.
Mr. B. Khandeparkar, Advocate for Respondent No.4.

**Coram :- M. S. SONAK &
BHARATI H. DANGRE, JJ.**

Date : 10th February, 2021

P.C.

Heard Mr. Naik, learned counsel for the Petitioner.

2. Mr. D. Pangam, learned Advocate General appears along
with Mr. G. Shetye for Respondent No.1. Mr. V. Pednekar appears for
Respondent No.2. Mr. M. Pereira appears for Respondent No.3 and Mr.
B. Khandeparkar appears for Respondent No.4.

3. The record indicates that the Mormugao Municipal Council
has already issued work stoppage order dated 28th May, 2020. Mr. B.
Khandeparkar states that this order has been modified and presently, the

Respondent No.4 is doing only the works which have been permitted in terms of the modification order dated 6th November, 2020.

4. The Mormugao Municipal Council to verify this position at the site and thereafter dispose off the show cause notice dated 28th May, 2020 or for that matter the Petitioner's complaint about the alleged illegalities in the construction undertaken by the Respondent No.4 as expeditiously as possible and in any case within a period of six weeks from today.

5. The Mormugao Municipal Council to comply with the principles of natural justice and afford opportunity of hearing to both the Petitioner as well as the Respondent No.4. The learned counsel for the Petitioner and the Respondent No.4 state that they will cooperate with the Council/Chief Officer and not delay the proceedings.

6. The Mormugao Planning and Development Authority is also directed to dispose of the complaint made by the Petitioner as expeditiously as possible and in any case within a period of six weeks from today. Again, the MPDA to also comply with the principles of natural justice and if any, adverse action is proposed.

7. We make it clear that we have not gone into the rival disputes on merits since it will be for the Authorities to look into in the

first instance.

8. The statement of Mr. Khandeparkar that the construction is being undertaken by the Respondent No.4 only in terms of the modification order dated 6th November, 2020 is accepted. If the Respondent No.2 finds that there is any breach then the Respondent No.2 to take action to stop such breach forthwith. The modification order dated 6th November, 2020, has already allowed the Respondent No.4 to do the internal work only to the extent it is approved in the approved plan of MPDA and as per the construction licence issued dated 9th April, 2019. Therefore, the work stoppage would be applicable only to the extent of work which is not approved in the MPDA plan till such time the revised plan is not approved by MPDA with the changes.

9. Mr. Khandeparkar on instructions states that this condition will be strictly complied with by the Respondent No.4.

10. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

11. All concerned to act based on the authenticated copy of this order.

BHARATI H. DANGRE, J

M. S. SONAK, J

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