

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.161 OF 2014

OM SAI DEVELOPERS,
 a duly registered Partnership Firm
 having its office at Osia Mall,
 2% Floor, SGPDA Market Complex,
 Margao - Goa and represented
 herein by its Partner Shri Prakash Kothari. Petitioner.

Versus

1. THE TOWN PLANNER,
 Town & Country Planning
 Department, Government of Goa,
 Osia Complex, Margao — Goa.

2. STATE OF GOA,
 through its Chief Secretary,
 having his office at Secretariat,
 Porvorim — Goa.

3. THE COMMAND AREA
 DEVELOPMENT AUTHORITY
 Water Resource Department,
 Gogol, Margao — Goa.

4. VILLAGE PANCHAYAT
 SAO JOSE DE AREAL,
 through its Sarpanch,
 Sao Jose de Areal, Salcete Goa

5. SAO JOSE DE AREAL
 VILLAGERS ASSOCIATION

through its President,
 Mr Salvador Fernandes,
 having office at House No 302/B,
 Pulamoll, Sao Jose de Areal, Salcete Coa Respondents.

Mr. Yogesh V. Nadkarni with Ms. D. Shirgam, Advocates for the
 Petitioner.

Mr. S.P. Munj, Additional Govt. Advocate for Respondents No.1 and
 2.

Mr. Ryan Menezes, Advocate for Respondent No.4.

Mr. Nigel Costa Frias, with Mr. B. Pacheco, Advocates for
 Respondent No.5.

***Coram : M.S. Sonak &
 Smt. Bharati H. Dangre, JJ.***

Date : 9th March, 2021.

ORAL JUDGMENT : (Per M.S. SONAK, J.)

After this matter was argued for some time, with the
 consent of Mr. Nadkarni, the learned Counsel for the Petitioner, Mr.
 Munj, the learned Additional Govt. Advocate and Mr. Nigel Costa
 Frias, learned Counsel for Respondent No.5, we dispose of this
 Petition by making the following order :

(I) The Petitioner is granted liberty to make two separate
 representations in the context of the impugned orders dated
 24/1/2014 and 26/2/2014, within a period of 15 days from

today, to the Chief Secretary and the Town and Country Planning Department. Such representations to be made without prejudice to the Petitioner's contention that a similar representation had already been made way back on 7/9/2012.

(II) The Chief Secretary and the Town and Country Planning Department to dispose of the representations on their own merits and in accordance with law, as expeditiously as possible and, in any case, within a period of 3 months from the date of their receipt.

(III) The Chief Secretary and the Town and Country Planning Department to hear the Petitioner, Respondent No.5, as well as the Water Resources Department before the representations are disposed of.

(IV) The Chief Secretary and the Town and Country Planning Department to communicate their decisions on these representations to both, the Petitioner and Respondent No.5.

(V) In case, any of the decisions are adverse to the interest of the Petitioner, then, the impugned orders dated 24/1/2014 and 26/2/2014 will not be given effect to for a period of at least 6

weeks from the date of communication of such decisions.

(VI) Pending consideration of the representations as aforesaid, the impugned orders dated 24/1/2014 and 26/2/2014, shall not be implemented or enforced.

(VII) The aggrieved parties will also have liberty to challenge the decisions by raising all permissible grounds, including the grounds urged in this Petition.

(VIII) All rights and contentions of all parties are specifically kept open for determination by the Chief Secretary and the Town and Country Planning Department.

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

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

Smt. Bharati H. Dangre, J.

M.S. Sonak, J.