

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.9 OF 2020

Shri Jawaharlal Shetye

... **Petitioner**

Versus:

The Chief Secretary,
State of Goa & 10 Ors

... **Respondents.**

Mr. Rohit Bras De Sa, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for Respondent Nos.1, 2, 3, 4, 6,
7, 8 and 9.

Mr. S. D. Padiyar, Advocate for Respondent No.5.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,
Advocate for the Respondents No.10 and 11.

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

Date:- 05th January, 2021

P.C.

Heard Mr. Rohit Bras De Sa, learned counsel for the
Petitioner, Mr. Devidas J. Pangam, learned Advocate General with
Ms. Maria Correia, learned Additional Government Advocate for the
respondents No.1, 2, 3, 4, 6, 7, 8 and 9, Mr. S. D. Padiyar, learned
Advocate for the respondent No.5 and Mr. J. E. Coelho Pereira,
learned Senior Advocate with Mr. V. Braganza, learned Advocate for

the respondents No.10 and 11.

2. The learned Advocate General appearing for the respondents No.1, 2, 3, 4, 6, 7, 8 and 9 states that the respondent No.3 is not averse to considering this very petition as a complaint by the petitioner in relation to the disputed structures and disposing off the same in accordance with law and on its own merits within a period of two months from today.

3. Mr. De Sa, learned counsel for the petitioner, on the basis of instructions, is agreeable to the adoption of the aforesaid course of action. He, however, submits that in the peculiar facts of this case, even the petitioner may be granted an opportunity of hearing by the respondent No.3.

4. The learned Advocate General states that in the peculiar facts of this case, both, the petitioner as well as the respondent No.11 will be granted opportunity of hearing by the respondent No.3.

5. By accepting the statement of the learned Advocate General and directing the respondent No.3 to act accordingly, we dispose off this petition.

6. We, however, make it clear that we have not adjudicated

the rival contentions and, therefore, all contentions of all the parties are specifically left open for consideration by respondent No.3 in the first instance.

7. In our order dated 18.12.2020, we had already recorded the statement of Mr. De Sa, that for the present, the petitioner, will not press for any reliefs in terms of prayer clause 10.2 and 10.5 of the petition.

8. Accordingly, with the aforesaid directions, we dispose off this petition.

9. There shall be no order as to costs.

10. All concerned to act based on the authenticated copy of this Order.

M. S. JAWALKAR, J

M. S. SONAK, J

msr.