

IN THE HIGH COURT OF BOMBAY AT GOA**Writ Petition No.146/2021**

BLANCHE LOUIS DE
SOUZA AND ANR.

... Petitioners

Versus

STATE OF GOA, THR. CHIEF
SECRETARY AND 4 ORS.

... Respondents

Mr. Rohan Desai, Advocate for the Petitioners.

Mr. D. Shirodkar, Additional Government Advocate for Respondents
No.1 and 2.

Mr. D. Vernekar, Advocate for Respondent No.4.

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

Date:- 17th March 2021

P. C.:

Heard Mr. Rohan Desai for the petitioners, Mr. Deep Shirodkar, learned Additional Government Advocate for respondents no.1 and 2 and Mr. Dharmanand Vernekar for respondents no.4 and 5.

2. We have heard Mr. Rohan Desai in support of the petition. He submits that the hearing before the Deputy Town Planner concluded in a single day and no opportunity was granted to the petitioners to produce documentary evidence regarding the existence of compound

wall prior to the grant of technical clearance order by the Planning Department.

3. According to us, in this matter, more than sufficient opportunities have been granted to these petitioners from time to time. Even after the compound wall was adjudged as an illegal construction, time was granted to secure some regularization. Despite the grant of ample opportunities, the petitioners, have failed to establish any legality concerning the compound wall in question. No mitigating circumstances have also been pointed out to the authorities despite grant of several opportunities. Therefore, it is not correct to say that no opportunity was granted to the petitioners to produce documentary evidence in support of their contentions. All this while, nothing prevented the petitioners from producing the documentary evidence in support of their contentions. Even along with this petition no attempt is made to produce any documentary evidence in support of their contentions. Mr. Rohan Desai pointed out that repeated submissions have been made in support of their contentions. However, making of persistent or repetitive submissions can be no substitute for production of some documentary evidence in support of such contentions urging legality or in any case regularization.

4. There is no error whatsoever in the impugned order made by the Deputy Town Planner to warrant any interference of this Court in

exercise of its extraordinary jurisdiction. This is a case where repeated opportunities and indulgences have been shown to the petitioners, but despite the same, the petitioners, have not made good any of their contentions. Mere repetition of contentions is no substitute for making these contentions good. From the manner in which the proceedings have gone on, it is apparent that the petitioners wish to simply delay the matter and avoid consequences of the orders of demolition that have already attained finality quite some time ago.

5. For all the aforesaid reasons this petition is dismissed. There shall be no order as to costs.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.