

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.159/2021

THE COMMUNIDADE OF
CAMURLIM, THR. ITS ATTORNEY,
HARI BHIKAJI PRABHU

... Petitioner

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 7 ORS.

... Respondents

Mr. Kapil Kerkar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. D. Shirodkar, Additional
Government Advocate for the State.

Mr. Amay Phadte, Advocate for Respondents No.5 to 8.

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

Date:- 17th June 2021

P. C.:

Mr. Shirodkar, the learned Additional Government Advocate states that the inspection report is filed on record. The inspection report reveals that at least *prima facie* certain encroachments have been made on the Comunidade property.

2. Mr. Shirodkar states that a Show Cause Notice cum Stop Work Order has already been issued on 28.11.2020 and the same will be disposed of in accordance with law and on its own merits latest within 4 months from today.

3. This statement is accepted and the Administrator is directed to act accordingly. The Administrator will naturally have to comply with the principles of natural justice and afford opportunity of hearing to the parties who are alleged to have made encroachments. In the peculiar facts of the present case, the Administrator will also give an opportunity of hearing to the petitioner-Communidade since, the encroachments are alleged to be on the lands belonging to the Comunidade.

4. The Administrator should take steps to enforce the Stop Work Order. Since the inspection report speaks about half constructed houses, the Administrator should ensure that the construction does not proceed and the parties referred to in the inspection report or any other parties do not proceed to occupy such structures. Besides, the statement made by the private respondents that they shall not carry out any further construction in the property is accepted and the private respondents will comply with the same until the disposal of the Show Cause Notice.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.