

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 301 OF 2021

Dadapir K. Navalgund And Anr.

.Petitioners

Versus

State of Goa, thr. its Chief Secretary And 5 Ors. **...Respondents**

Mr. Agha Iftikhar, Advocate for the Petitioner.

Mr. Geetesh Shetye, Additional Government Advocate for the Respondents No.1, 4 and 5.

Mr. H. D. Naik, Advocate for the Respondent No.3.

Mr. Preetam Talaulikar, Advocate for the Respondent No.6.

**CORAM: M. S. SONAK &
 SMT. M. S.JAWALKAR, JJ.**

DATED: 20th September, 2021

1. Heard Mr. Iftikhar Agha, learned Counsel for the petitioners, Mr. Geetesh Shetye, learned Additional Government Advocate for the respondents No.1, 2 and 4, Mr. H. D. Naik, learned Counsel for the respondent No.3 and Mr. Preetam Talaulikar, learned Counsel for the respondent No.6.

2. Though, the Municipality has been served, they are not represented by any Advocate. Mr. Agha has filed affidavit to indicate that service is complete. The same is filed in the registry.

3. The main relief in this petition is that the Mapusa

Municipal Council (MMC) has issued Work Stoppage Orders-cum-Show Cause Notices dated 27.09.2017 and 23.02.2018 in relation to certain constructions put up by respondent No.6, but the said Show Cause Notices are not being disposed of expeditiously.

4. Mr. Talaulikar learned Counsel appears on behalf of respondent No.6 and states that no illegal constructions have been carried out by respondent No.6 and further, he has reason to believe that the Show Cause Notice dated 27.09.2017 may have been disposed of. Mr. Agha, learned Counsel for the petitioner disputes this contention.

5. At this stage, there is no question of our adjudicating any disputed questions of fact about whether construction is indeed undertaken by respondent No.6 and, further, whether, the same is illegal or unauthorised. However, since, Show Cause Notices have already been issued by the Mapusa Municipal Council, it is the duty of the Mapusa Municipal Council to dispose of such Show Cause Notices as expeditiously as possible, no doubt by complying with principles of natural justice.

6. Therefore, leaving all contentions of all parties open, we direct the Mapusa Municipal Council to dispose of Show Cause

Notice dated 27.09.2017 (page 47 of the paperbook) and Show Cause Notice dated 23.02.2018 (page 55 of the paperbook) as expeditiously as possible and in any case within a period of 6 weeks from today. All contentions of all parties, including Mr. Talaulikar's contention that the Show Cause Notice dated 27.09.2017 has already been disposed of, are kept open.

7. The Mapusa Municipal Council should comply with principles of natural justice in the peculiar facts of the present case and not only hear the respondent No.6 but also hear the petitioner herein whilst disposing of the Show Cause Notices. The decision should be communicated to the parties by the Mapusa Municipal Council within this period of six weeks.

8. Mr. Agha states that he will place authenticated copy of this order before the Mapusa Municipal Council as expeditiously as possible. The period of 6 weeks shall commence from the date such copy is placed before the Mapusa Municipal Council.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.