

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.372 OF 2021

EMILIA PAULINA PEREIRA

... Petitioner

Versus

STATE OF GOA, THR. ITS

CHIEF SECRETARY AND 3 ORS

...Respondents

Mr. Yogesh V. Nadkarni and Ms. D. Shirgam, Advocates for the petitioner.

Mr. Pravin Faldessai, Additional Government Advocate for respondent Nos.1 & 2.

Mr. P. A. Kamat, Advocate for respondent No.3.

Mr. Raunaq Rao, Advocate for respondent No.4.

**CORAM: REVATI MOHITE DERE &
M. S. JAWALKAR, JJ**

DATE : 1st December 2021

P.C.

1. Heard the learned counsel for the parties.
2. By the aforesaid petition, the petitioner seeks the following substantive reliefs:

“(A) For a writ of mandamus or a writ in the nature of mandamus or any appropriate writ, direction or order to the Respondent Nos.1, 2 and 3 to forthwith stop the construction being carried out by the Respondent No.4 in Survey Nos. 65/11 and 65/12 of Village Nerul, Taluka Bardez Goa;

(B) For a writ of mandamus or a writ in the nature of mandamus or any appropriate writ, direction or order to the Respondent Nos. 1, 2 and 3 to demolish the construction undertaken by the Respondent No.4 in Survey Nos. 65/11 and 65/12 of Village Nerul, Taluka Bardez Goa.

3. Vide order dated 26th October 2021, after hearing the learned counsel for the petitioner an ad-interim relief was granted in terms of prayer clause (C). It was also clarified in the said order that the pendency of this petition will not deter the appropriate authority from passing appropriate orders.

4. Learned counsel for the petitioner informs that on the very same day i.e. 26th October 2021, the respondent No.2 issued stop work order to the respondent No.4 – Prana Constructions. He states that pursuant to the said stop work order, the construction has presently stopped.

5. Learned counsel appearing for the respondent No.2 states that the said stop work order issued by the respondent No.2 on 26th October 2021 will be continued till the final disposal of the proceedings before the respondent No.2. Statement is accepted.

6. In view of the aforesaid, prayer clause (A) does not survive for further consideration.

7. As far as the prayer clause (B) is concerned, it appears that the show cause notice has been issued to the respondent No.4. Learned counsel appearing for the respondent No.2 states that the authorities will take an appropriate decision on the said show cause notice after hearing the parties including the petitioner and the respondent No.4. The respondent No.2 to dispose of the said proceedings as expeditiously as possible and in any event, within four weeks from today.

8. Considering the aforesaid, noting survives for consideration in the aforesaid petition. The petition is accordingly disposed of. It is made clear that we have not examined the merits of the petition and as such all contentions of all parties are kept open.

9. All parties to act on the authenticated copy of this order.

M. S. JAWALKAR, J

REVATI MOHITE DERE, J.