

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.77 OF 2021

JOSEPH NELSON DSOUZA

.. PETITIONER.

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND OTHERS.

..RESPONDENTS.

Mr. L. Raghunandan, Advocate *for the Petitioner under Legal Aid Scheme.*

Mr. Deep Shirodkar, Addl. Govt. Advocate *for the Respondents.*

**CORAM : M. S. SONAK &
R. N. LADDHA, JJ..**

DATED : 17th AUGUST 2022

P.C.:-

1. Jayesh Fadte, Attorney of the Comunidade of Sancoale – Respondent No.5 has filed an affidavit dated 16th August 2022 before us.

2. Paragraphs 1 to 5 of this affidavit, read as follows :

“1) I state that in the aforesaid Writ Petition Shri Satish Narvekar, the then Attorney of Comunidade of Sancoale, has filed Affidavit-in-Reply dated 21/06/2021 as also the Additional Affidavit dated 20/09/2021 on behalf of the Respondent No.5 as well as the Affidavit dated 18/04/2022 wherein the Respondent No. 5 has placed on record about the quotations invited to

conduct the survey of the property bearing Survey No. 83/1 of Village Sancoale.

2) I state that this short Affidavit is being filed to place on record that the Respondent No. 5 will develop the said property under survey No. 83/1 of Village Sancoale into plots so that the plots can be allotted in accordance with the Code of Comunidade.

3) I state that if all the approvals which are necessary for development of the property of comunidade are granted in time by the Authorities whose approvals will be necessary, the Respondent No. 5 shall make an endeavour to complete the development of said property bearing Survey No. 83/1 of village Sancoale within a period of 1 year from date of filing of this Affidavit.

4) I state that as stated in the earlier Affidavit, once the said Property is developed into plots, the Respondent No.5 shall allot one plot in favour of the Petitioner after obtaining necessary approvals from the competent authorities.

5) I state that in view of above this Hon'ble Court may dispose of the Writ Petition with directions to the authorities to consider and decide applications for approvals whenever applied by the Respondent No.5 in respect of the development of the said Property under Survey No.83/1 of village Sancoale as expeditiously as possible without any undue delay."

3. Mr. Raghunandan, the learned Counsel appearing for the Petitioner under the Legal Aid Scheme, on instructions, submits that the Petition can be disposed of after accepting the statements

made on behalf of the Respondent No.5 in the above petition. However, he prays that necessary directions should be issued to the Respondent No.5 to comply with their statements.

4. The statements in the above Petition are accepted as undertakings to this Court. The Petition is disposed of. However, if the statements are not complied with, liberty is granted to the Petitioner to apply for appropriate orders.

5. We make it clear that in this Petition we have not gone into the issue of legality or otherwise of the proposed action of the Comunidade and the allotment. This order is made on the basis that the Comunidade and the other authorities have followed the proper legal procedures. Therefore, nothing in this order should be taken as either a direction from this Court or some exemption when it come to the compliance with law.

6. Petition is disposed of. No order for costs.

R. N. LADDHA, J.

M. S. SONAK, J.

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