

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.23 OF 2021

IN

WRIT PETITION NO.79 OF 2010

**MADKAIKER REALTORS PVT. LTD., REP.
BY ITS DIRECTOR, JANITA PANDURANG
MADKAIAR**

... APPLICANT

Versus

VISHWANATH M. NAIK

... RESPONDENT

Mr. Sahish Mahambrey, Advocate for the Applicant.

Mr. J. Karn, Advocate for the original petitioner.

Mr. Pravin N. Faldessai, Additional Government Advocate for
respondent no.1, 2, 4 and 5-State.

**CORAM:- M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED :- 28th September, 2022

P.C.

Heard learned counsel for the parties.

2. It was pointed out to us that the original petitioner has expired. However, since the issue was about compliance of our directions, we requested Mr. Karn, learned counsel who used to appear for the original petitioner, to continue to assist in this matter.

3. Mr. Karn submitted that there is no proper compliance and considering the level differences, the parking facilities provided cannot be regarded as parking facilities on stilts. He took us through some of the photographs placed on record by the original respondent no.6.

4. Since there was a dispute about compliance, by orders made from time to time, we had appointed Commissioners. After the Commissioners reported partial compliance, respondent no.6 undertook further works to ensure full compliance. Again, since there was a dispute, we had requested the Deputy Town Planner to inspect the site and verify whether the compliances have indeed been made by respondent no.6.

5. The Deputy Town Planner has filed an affidavit in the matter. To the affidavit is annexed a joint inspection report in which the Deputy Town Planner has stated that the site was inspected and there are substantial compliances.

6. Therefore, we now accept the compliance report and close the matter.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.