

Meena

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.179 NO.2022**

EGIDIO FLORENCIO DIAS AND ANR ... Petitioners

VS

THE STATE OF GOA, THR.CHIEF
SECRETARY AND 6 ORS ...Respondents

Ms. B. Andrade, Advocate for the Petitioners.

Mr. Devidas J. Pangam, Advocate General with Mr. Neehal Vernekar, Additional Government Advocate for Respondents No. 1 to 3.

Mr. V.P. Thali with Mr. Rajdeep Prabhugaonkar, Advocate for Respondents No.6 and 7.

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

DATED: 7th June, 2022

P. C.:

Heard Ms. B. Andrade, learned Counsel for the petitioners, Mr. D. Pangam, learned Advocate General with Mr. Neehal Vernekar, learned Additional Government Advocate for respondents No. 1 to 3 and Mr. V.P. Thali with Mr. Rajdeep Prabhugaonkar, learned Advocates for respondents No.6 and 7.

2. The main allegation in this petition is about certain alleged illegal constructions/developments/filling activities in agricultural land bearing Chalta No.2/1 and 3/1 of PT Sheet No.143 of Village of Taleigao. Ms. Andrade, learned Counsel for the petitioners pointed out that the

petitioners made complaints on 31/01/2022, 01/02/2022 and 20/04/2022 to the respondents but despite the receipt of such complaints no action was forthcoming. She submits that it is the statutory duty of the respondents No.1 to 5 to at least look into such complaints and if any *prima facie* merit is found, then, to take action in terms of the law.

3. On 04/05/2022, upon hearing Ms. Andrade, we had directed the respondents No.2, 4 and 5 to inspect the site in question and if they find that there is *prima facie* substance in the allegations made in the petition about filling the low line agricultural land without permission, then, to take action as is contemplated under the law.

4. Today, the Member Secretary of Greater Panaji Planning and Development Authority (GPPDA) – Respondent No.4 has filed an affidavit before us. In this affidavit, he has stated that *prima facie* merit was found in the complaints made by the petitioners and therefore, the GPPDA has issued a Show Cause Notice dated 11/05/2022 to respondent No.6. The affidavit also points out that the Assistant Engineer of the GPPDA has addressed a communication to the Police Inspector, Panaji Police Station requesting the registration of an FIR for breach of the provisions of Section 17A and 17B of the Town and Country Planning Act, 1974.

5. Mr. Thali who appears for respondents No. 6 and 7 has also tendered a reply on behalf of the said respondents. In the reply, the said respondents have acknowledged the receipt of the Show Cause Notice and stated that they have even filed their response to the Show Cause Notice.

6. Mr. Thali after referring to paragraphs 10 and 14 of the affidavit submitted that the said respondents are not undertaking any further filling, development or construction activity at the site in question and this position has also been made clear to the authorities. Mr. Thali referred to the reply filed before the authorities extracts of which have been incorporated in paragraph 10 of the affidavit, to submit that the respondents No. 6 and 7 have applied for post-facto permission (without prejudice) or permission to remove the filling undertaken by them in purported compliance of the permission earlier granted by the authorities.

7. Now that the authorities have taken cognizance of the petitioners' complaint and also initiated action, we do not think that it will be appropriate for us to keep this petition pending. The petitioners made a grievance, as indicated earlier, that the authorities were not taking cognizance of the petitioners' complaints. The authorities have now not only taken cognizance of the petitioners' complaint but having found *prima facie* merit in the same, even initiated action based upon same.

8. Therefore, we dispose of this petition by directing the GPPDA to dispose of the Show Cause Notice dated 11/05/2022 in accord with law within a period of two months from today. The GPPDA will have to grant an opportunity of hearing not only to respondents No.6 and 7 but also to the petitioners, in the peculiar facts and circumstances of the present case. The petitioners and respondents No.6 and 7 should co-operate with the authorities for the expeditious disposal of the Show Cause Notice.

9. All contentions of all parties are expressly left open to be decided by the authorities.

10. The final order in the matter should be communicated not only to respondents No.6 and 7 but also to the petitioners.

11. With the aforesaid directions, this petition is disposed of. There shall be no order for costs.

R.N. LADDHA, J.

M.S. SONAK, J.

MEENA
VISHAL
BHARGAVA

Digitally signed by
MEENA VISHAL BHARGAVA
Date: 2022.06.07
10:45:10 +05'30'