

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.357 OF 2021

DR. KALPANA KAMAT

...PETITIONER

Versus

THE STATE OF GOA, REP. THR.
CHIEF SECRETARY AND 4 ORS.

...RESPONDENTS

Mr. Siddharth Malik holding for Mr. Vivek Rodrigues, *Advocate for the Petitioner.*

Mr. Pravin Faldessai, *Additional Government Advocate for Respondent Nos.1,2 & 3.*

Mr. V.V. Pednekar, *Advocate for Respondent No.4.*

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

DATED: 16th FEBRUARY 2022

ORAL ORDER :

1. Heard Mr. S. Malik, who holds for Mr. Vivek Rodrigues, learned Counsel appearing for the petitioner. Mr. V.V. Pednekar, learned Counsel appears for the Chief Officer of Mormugao Municipal Council (respondent no.4). Mr. Pravin Faldessai, learned Additional Government Advocate appears for respondent nos.1, 2 & 3.

2. The record indicates that respondent no.5 has been served, though no appearance has been filed on its behalf. In any case,

for the order which we propose to make, the presence of respondent no.5, at this stage, is not necessary.

3. The petitioner's grievance, in this case, is that the respondent no.5 has put up some illegal constructions and despite the petitioner's several complaints to the Mormugao Municipal Council (MMC), no action is being initiated. The petitioner, has therefore, sought for a writ of mandamus to direct the MMC to initiate proceedings to remove the alleged illegal constructions in the property bearing Chalta No.77 of PT Sheet No.153 and in Chalta No.227, 228 of PT Sheet No.152.

4. Mr. Pednekar, learned Counsel for MMC, on instructions, states that the MMC has already issued show cause notice to respondent no.5. He states that said show cause notice will be disposed of within six weeks from today after grant of opportunity of hearing to respondent no.5 as well as the petitioner herein. Mr. Pednekar states that a copy of the show cause notice will be furnished to the learned Counsel for the petitioner in the course of this week.

5. Accordingly, we accept the aforesaid statement made on behalf of MMC and direct the MMC and/or its Chief Officer to act accordingly. The show cause notice proceedings must be disposed of within six weeks from today and the final decision must be communicated to both the petitioner as well as respondent no.5.

6. We clarify that we have not gone into the merits of the rival allegations since these are matters that will have to be looked into by the MMC/Chief Officer.

7. The petition is disposed of in the aforesaid terms without any order for costs.

R.N. LADDHA, J.

M. S. SONAK, J.