

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.252 OF 2022

MARIA GURJAO

...PETITIONER

VS

STATE OF GOA, THR. CHIEF ...RESPONDENTS
SECRETARY AND 3 ORS

Mr. P.A. Kamat and Ms. Mafida Shaikh, Advocates for the Petitioner.

Mr. Siddhesh Patkar, Additional Government Advocate for the Respondent Nos.1 to 3.

Mr. Rohan Desai, Advocate for the Respondent No.4.

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

DATED: 5th July, 2022

P.C:

Heard Mr. P. Kamat, learned Counsel for the petitioner, Mr. S. Patkar, learned Additional Government Advocate for respondents No.1 to 3 and Mr. Rohan Desai, learned Advocate for respondent No.4.

2. The petitioner alleges that respondent No.4 is filling up low lying areas and water bodies in tenanted lands. Mr. Kamat submits that based on the petitioner's complaint the Deputy Town Planner directed respondent No.4 to stop such activities. However, at a later stage, the Deputy Town Planner without any notice or complying with principles of natural justice vacated his order.

3. The Deputy Town Planner has filed an affidavit before. Paragraph 6 of this affidavit reads as follows:

“6. As a follow up measure on 25.05.2022 the inspection was carried out by Mr. Rajesh Tirodkar, Planning Assistant along with the respondent no. 4, on inspection it was found that the respondent no. 4 was not doing any mud filling activity as was alleged, in the water body but was desilting the water body and was removing mud and dirt from the water body, and the same was dumped in his property, which disilting activity was otherwise was advantageous and beneficial for prevention of flooding in the adjacent fields/properties in the monsoon, and contrary to the allegation of apprehension of flooding in future, made by the petitioner. The Copy of the site inspection report of the Planning Assistant is annexed as R-1.”

4. To the affidavit is annexed the site inspection report referred to in the above paragraph.

5. Mr. Kamat states that the site inspection report is not correct and does not represent the factual position at the site. Mr. Kamat maintains that the activities by respondent No.4 are illegal.

6. The petitioner is granted liberty to file further representation to the Deputy Town Planner in the context of the site inspection report annexed to the affidavit. The petitioner is also at liberty to place photographs or additional material before the Deputy Town Planner explaining his version of the matter. If such representation/complaint is made within 15 days from today, the Deputy Town Planner to dispose of the same within four weeks from the date of its receipt. In the peculiar facts and circumstances of this case, the Deputy Town Planner to offer an opportunity of hearing to the

petitioner and respondent No.4 and, thereafter, communicate his decision to the said parties.

7. With the above directions, we dispose of this petition. There shall be no order for costs.

R.N. LADDHA, J.

M.S. SONAK, J.

MEENA
VISHAL
BHOR

Digitally signed by
MEENA VISHAL
BHOR
DN: cn=MEENA VISHAL
BHOR, o=MEENA VISHAL
BHOR, email=meena.vishal.bhor@meena.vishal.bhor.in, c=IN