

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 291 OF 2021

Eduardo Camilo Da Cruza @ Edward D'Cruz **..Petitioner**

Versus

The Chief Officer, Mormugao Municipal
Council, Vasco And 2 Ors. **...Respondents**

Mr. Bhargav M. Khandeparkar, Advocate for the Petitioner.

**Mr. Somnath Karpe with Mr. Abhijeet Sawant, Advocates for
the Respondent No.1.**

**Mr. Devidas J. Pangam with Mr. Geetesh R. Shetye, Additional
Government Advocate for the Respondents No.4 and 5.**

Mr. Kaif Noorani, Advocate for the Respondent No.2.

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

Date: 8th February, 2022

P.C.

Heard Mr. Khandeparkar, learned Counsel for the petitioner, Mr. Somnath Karpe with Mr. Abhijeet Sawant, learned Counsel for the respondent No.1 and Mr. Kaif Noorani, learned Counsel for the respondent No.2. Mr. Devidas J. Pangam, learned Advocate General with Mr. Geetesh R. Shetye, learned Additional Government Advocate appears for the respondents No.4 and 5.

2. On 01.02.2022, we made the following order:

'P.C.:

1. Mr. Karpe appears for Mormugao Municipal Council. He states that the application for regularisation made by respondent no.3 has been rejected. 2. The main relief in this petition is for implementation of the Council's demolition order dated 22.11.2018 in a timebound manner. Now that the application for regularisation has been rejected, the Council, will have to implement its demolition order dated 22.11.2018.

3. However, before we issue any final directions in this matter, we grant respondent no.3 an additional opportunity to remain present by himself or through his advocate.

4. Accordingly, the matter is now posted on 07.02.2022.'

3. Today, when the matter is called out, again there is no appearance on behalf of respondent No.3. The respondent No.3 neither appears in person nor through any advocate.

4. This petition seeks appropriate writ to respondent No.1 to enforce its demolition order dated 22.11.2018 concerning the illegal structure put up by respondent No.3 in a time bound manner.

5. Initially, the matter was adjourned from time to time because it was pointed out that respondent No.3 had applied for regularisation of the illegal structure. On the last occasion, Mr. Karpe had made statement that the application for regularisation has been rejected.
6. Today, Mr. Jayant Tari, the Chief Officer of Mormugao Municipal Council-respondent No.1, has filed an affidavit to place on record the letter dated 28.01.2022 by which the application for regularisation has been rejected. Mr. Karpe stated that it also appears that the land on which the illegal construction was put up was Government land.
7. The demolition order dated 22.11.2018 has already attained finality. Now, even the regularisation application assuming that it was at all maintainable, has already been rejected. Therefore, the respondent No.1 will have to enforce the demolition order at the earliest. Accordingly, we direct the respondent No.1 to implement its demolition order dated 22.11.2018 as expeditiously as possible and, in any case, within 6 weeks from today. If, the respondent No.1 requests for assistance from other Government Authorities

like respondent No.4 for requisitioning the demolition squad, the respondent No.4 to render immediate assistance without raising any issue of Code of Conduct etc, so that the writ of this Court is complied with.

8. This petition is accordingly disposed of in the aforesaid terms. There shall be no order for costs.

R. N. LADDHA, J

M. S. SONAK, J