

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.456/2022

HIRABAI ATMARAM SHET THR. POA
RAMDAS ATMARAM SHET

... Petitioner

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND 8 ORS.

... Respondents

Mr. Nigel da Costa Frias and Mr. V. Sawant, Advocates *for the Petitioner.*

Mr. D. Pangam, Advocate General with Mr. S. P. Munj, Additional Government Advocate, *for the State.*

Mr. S. Padiyar with Mr. P. Shirodkar, Advocates *for Respondent No.6.*

Mr. Salil Saudagar, Advocate *for Respondent No.7.*

Mr. H. D. Naik, Advocate *for Respondent No.9.*

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

DATED: 3rd OCTOBER 2022

P.C.:

1. Heard Mr. Nigel da Costa Frias for the Petitioner, Mr. D. Pangam, learned Advocate General who appears along with Mr.

S. P. Munj, learned Additional Government Advocate for Respondents No.1 to 5 and 8, Mr. Padiyar for Respondent No.6, Mr. Salil Saudagar for Respondent No.7 and Mr. H. D. Naik for Respondent No.9.

2. Mr. Padiyar, learned counsel for the Mapusa Municipal Council (MMC) based on instructions states that the issue of legality of the structure put up by the respondent no.7 will be decided as expeditiously as possible and in any case within three months from today. He states that respondent no.7 and the petitioner will be granted an opportunity of hearing before this issue is decided. He states that the decision on this issue will also be communicated to the respective parties within this period of three months.

3. Mr. Padiyar points out that sometime in the year 2014 a person had filed a complaint about this very structure pursuant to which show cause notice dated 25.08.2014 had been issued to the said person. After that the said person died sometime in the year 2019. The petitioner filed an intervention making the same complaint. Mr. Costa Frias points out that the intervention was allowed. Mr. Padiyar therefore submits that the MMC will dispose of the proceedings latest within three months from today.

4. Mr. Saudagar, on instructions continues the statement recorded in para 4 of our order dated 21.09.2022 until the disposal of the proceedings by the MMC. He reiterates that there is no extension, alteration, etc. proposed at the site and that the status quo will be maintained until the disposal of the proceedings by the MMC.

5. We make it clear that we have not examined the rival contentions on merits because we think that such contentions should be examined initially by the MMC. Therefore, all contentions of all parties are left open.

6. In this petition, we are not adjudicating on prayer clause B. According to us, the MMC should first decide on the above issue. If the petitioner's grievance survives, it will be open to the petitioner to make further representations on this issue to respondents no.8 and 9. If despite the representations the grievance survives, the petitioner will be at liberty to take such steps as available under the law.

7. This petition is disposed of by accepting the statement made on behalf of the MMC and directing the MMC to act accordingly. The statement made on behalf of respondent no.7 is also accepted.

8. The petition is disposed of without any order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.