

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.486 OF 2022

PREMANAND GANESH PAGUI

... Petitioner

Versus

SUNDEEP B. PAGUI AND 3 ORS.

... Respondents

Mr Shane Gomes Pereira, Advocate *for the Petitioner.*

Mr J. Abreu Lobo, Advocate *for Respondent No.1.*

Ms Sapna Mordekar, Additional Government Advocate *for Respondent No.2.*

Ms Rosette Pereira, Advocate *for Respondent No.4.*

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

DATED: 20th December, 2022

P.C.:

1. Heard Mr Shane Pereira for the Petitioner. Ms Rosette Pereira appears for Respondent No.4-Canacona Municipal Council (CMC). Mr J. Abreu Lobo appears for Respondent No.1.
2. Pursuant to our order dated 5 December 2022, the CMC has filed an affidavit. To the affidavit is annexed a show-cause notice cum stop business activities order dated 7 December 2022. This show-cause notice cum stop activities order records that there is a *prima facie* breach of the terms and conditions subject to which permissions were granted to

Respondent No.1. There is a direction to Respondent No.1 to stop illegal business forthwith from the structure in question.

3. Initially, Respondent No.1, who is present in Court, attempted to create some confusion and disputes about the service of the show-cause notice cum stop activities order dated 7 December 2022. However, ultimately, he accepted that this order was served upon him on 8 December 2022.

4. The records also bear out that Respondent No.1 failed to attend the proceedings before the CMC scheduled on 12 December 2022. Though it was not necessary, the CMC issued a fresh notice to Respondent No.1 on 13 December 2022 pursuant to which, he attended the hearing on 16 December 2022.

5. Despite all this, Respondent No.1 has not complied with the direction to stop his illegal business through the *prima facie* illegal construction forthwith. Respondent No.1 has thus succeeded in continuing with his business activities through the *prima facie* illegal structure from 8 December 2022 till date.

6. Today, Mr Lobo, based on instructions from Respondent No.1 who is present before us, states that the business activities through the structure will stop forthwith. No commercial activities will be carried out and even the guests will be relocated to some alternate premises forthwith. This statement is accepted as an undertaking to this Court. The CMC officials should also ensure that this statement is strictly complied with. If necessary, the CMC officials should take steps to seal the premises with the help of the police.

7. Ms Pereira states that the show-cause notice will be disposed of within four weeks from today, since, Respondent No.1 has sought time to file a reply. Now Mr Lobo, on instructions, states that Respondent No.1 will file a reply by tomorrow i.e. 21 December 2022 at 11:30 a.m. If the reply is filed tomorrow, then, we direct the CMC to dispose of the show-cause notice within two weeks.

8. All contentions of all parties are kept open. Similarly, all remedies of all parties are also kept open.

9. The petition is disposed of by issuing the above directions. The amount deposited by the Petitioner to be refunded to the Petitioner by the Registry.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA
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