

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.83 OF 2023

QUEENY CASTLES
COOPERATIVE HOUSING
SOCIETY LTD THR. ITS
CHAIRMAN JOAQUIM
ANTONIO VAS AND ANR.

... PETITIONERS

Versus

STATE OF GOA THR. ITS
CHIEF SECRETARY AND 4
ORS.

... RESPONDENTS

Mr. Parag Rao, Advocate for the Petitioners.

**Ms. Maria Correia, Additional Government Advocate for
Respondent Nos.1 & 2.**

**Mr. S.S. Kantak, Senior Advocate with Ms. S. Desai, Advocate
for Respondent No.5.**

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

DATE : 13th FEBRUARY 2023

P.C. :

1. Heard Mr. Parag Rao for the petitioners. Ms. Maria Correia, learned Additional Government Advocate appears for respondent nos.1 & 2 and Mr. S.S. Kantak, learned Senior Advocate appears along with Ms. S. Desai for respondent no. 5, on notice.

2. The petitioners' grievance is that his complaint dated 12.12.2022 is not being disposed of by the Deputy Town Planner. Mr. Rao further complains that no notice has been issued to respondent no.5, who is actually carrying out the construction at the site, pursuant to the transfer of the property by respondent no.4 to respondent no.5, way back in the year 2006.

3. Ms. Correia places on record notice dated 08.02.2023, concerning the complaint made by the petitioners. She states that the petitioners' complaint will be disposed of within two month from today.

4. Mr. Kantak, learned Senior Advocate for respondent no.5 states that it is the respondent no.5, who is carrying on the construction at the site and, therefore, would respond to the notice, even though the same may not have been directly addressed to respondent no.5.

5. Accordingly, the Deputy Town Planner should consider responses from respondent nos.4 & 5. Mr. Kantak states that response would be filed within two weeks from today to the Deputy Town Planner based on notice dated 08.02.2023, a copy of which Ms. Correia now hands over to Ms. Desai. Ms. Desai accepts the notice on behalf of respondent no.5.

6. In the peculiar circumstances of the present case, opportunity of hearing may be granted by the Deputy Town Planner to the petitioners, respondent no.4 & respondent no.5. The complaint should be disposed of on its own merits and in accord with law.

7. It is made clear that this Court has not examined the rival contentions and, therefore, the Deputy Town Planner should dispose of the complaint on its own merits and in accord with law after giving opportunity of hearing to the above parties.

8. This petition is disposed of in the above terms. All concerned to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K

HALDANKAR

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