

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 142 OF 2023

Shailesh Volvoikar & anr.

... Petitioners

Versus

Manohar Shirodkar & 2 Ors.

...Respondents

Mr. Shailesh Sardessai, Advocate for the Petitioners.

Mr. G. Malik, Advocate for Respondent no.1.

Ms. S. Vaingankar, Advocate for Respondent no.3.

CORAM: M. S. KARNIK, J

DATED: 11th APRIL 2023

P.C.

1. Heard learned Counsel for the Petitioner and learned Counsel for the Respondents.

2. The Petitioners challenge the Order dated 10.01.2020 passed by the Principal Secretary, Urban Development, Secretariat, in a Municipal Appeal filed by the Petitioner challenging the Order dated 21.05.2019 passed by the Respondent No.3-Commissioner, Corporation of the City of Panaji. The Petitioners are effectively challenging an Order directing the Petitioners to demolish the unauthorised construction carried out.

3. Learned Counsel for the Petitioner has today, filed an undertaking dated 10.04.2023 to the effect that an application for regularisation has been filed on 02.09.2021 to the Member Secretary, Greater Panaji Planning and Development Authority, requesting for

regularization of the residential house. Since the application for regularization is pending and the undertaking further states that in the event the structure is not regularized, the Petitioners shall demolish the illegal portion of the house in accordance with law, the present Petition can be disposed of by permitting the Petitioners to pursue the application for regularization. The application for regularization be decided expeditiously. The Petitioners undertake that they will cooperate with the Authority for the expeditious disposal of the application for regularization. The application for regularization be decided in accordance with law on its own merits.

4. Till the application for regularization is decided, no coercive steps be taken in respect of the Petitioners' suit structure.

5. The statements made in the affidavit dated 10.04.2023 are accepted as an undertaking to the Court which the Petitioners undertake to abide.

6. Writ Petition is disposed of. No order as to costs.

M. S. KARNIK, J

ANDREZA PEREIRA
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