

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.429 OF 2021

DEEPAK GRACIAS

... Petitioner.

Versus

SOUTH GOA PLANNING AND
DEVELOPMENT AUTHORITY, THR.
ITS MEMBER SECRETARY AND 2 ORS.

... Respondents.

Mr. Nigel da Costa Frias with Mr. B. Pacheco and Ms. Barbara Andrade, Advocates for the Petitioner.

Mr. A.D. Bhobe with Ms. P. Kuvelkar, Advocates for Respondent No.1.

Mr. J. Abreu Lobo, Advocate for Respondent Nos.2 and 3.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 23 February, 2023

ORAL ORDER:

After hearing the learned Counsels for some time, it is pointed out that the show-cause notice dated 30.05.2018 issued by Respondent No.1 to Respondent Nos.2 and 3 only restrict to the complaint lodged by the Petitioner in connection with forgery, misrepresentation and fraud, which has been disposed of by the impugned order.

2. Mr. Costa Frias appearing for the Petitioner has pointed out that the complaint dated 09.04.2018 also refers to the objections raised with regard to absence of order of amalgamation of plots C-1 and C-2. Mr. Costa Frias submits that this objection is independent and separate from

the allegations made in connection with fraud, misrepresentation or otherwise.

3. Mr. Bhobe appearing for Respondent No.1 candidly admits that show-cause notice was only with regard to the aspects connecting to forgery, misrepresentation and fraud.

4. It is observed that the show-cause notice dated 30.05.2018 nowhere speaks about specific objection raised by the Petitioner about absence of order of amalgamation of plots, which is one of the grounds challenging the permission for development.

5. Respondent No.1 is therefore directed to issue fresh show-cause notice only in connection with the absence of order of amalgamation of plots No.C-1 and C-2 to the Respondent Nos.2 and 3 within a reasonable period and thereafter to dispose of such show-cause notice preferably within a period of two months from the date of receipt of show-cause notice by Respondent Nos.1 and 2. It is needless to say that Respondent No.1 shall give opportunity to the Petitioner as well as Respondent Nos.2 and 3 to file their respective submissions in connection with such show-cause notice and then decide it afresh.

6. Mr. Costa Frias appearing for the Petitioner submits that this course of action would suffice the grievance of the Petitioner raised in the present petition.

7. Mr. Lobo appearing for Respondent Nos.2 and 3 submits that he will file reply to the show-cause notice as well as furnish his written arguments within the time-frame.

8. Accordingly, the petition could be disposed of on the following points.

a. Respondent No.1 to issue fresh show-cause notice to Respondent Nos.2 and 3 only with regard to the objection raised by the Petitioner of non-availability of the amalgamation order of Plot Nos.C-1 and C-2. Such show-cause notice shall be issued within two weeks from today.

b. Respondent Nos.2 and 3 shall respond to such show-cause notice within a period of two weeks thereafter.

c. Respondent No.1 shall then afford an opportunity to the Petitioner and Respondent Nos.2 and 3 to submit their written submissions and thereafter to dispose of such show-cause notice after receipt of submissions preferably within two months thereafter from the filing of written submissions.

9. It is made clear that other contentions raised in the present petition including forgery, misrepresentation and fraud along with other grounds, are kept open in the appropriate proceedings.

10. Petition is accordingly disposed of.

BHARAT P. DESHPANDE, J.

JOSE
FRANCISCO
DSOUZA

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