

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.672 OF 2018

1. MR SURENDRA GAJANAN
SARMALKAR,

67 Years of age, Son of Late. Mr.
Gajanan S. Sarmalkar, Businessman,
R/o H. No. SF-03, 2nd Floor, Lawande
Sarmalkar Bhavan, Dr. Shirgaonkar
Road. Near Mahalaxmi Temple.
Panaji — Goa.

2. Mr. Vilas Gunaji Virnodkar,
65 Years of Age, Son of Late Gunaji
Virnodkar, Businessman R/o. Khorlim.
Mapusa — Goa

3. Mr. Suresh Uttam Naik,
68 Years of Age, Son of Late Uttam
Naik. Businessman. R/o. Ambekhan.
Near Shantadurga Devasthan. Verem.
Bardez - Goa

..... Petitioners.

Versus

1. State of Goa.

Through the Minister for Urban
Development (Appellate Authority)
Government of Goa Secretariat.
Porvorim-Goa

2. MAPUSA MUNICIPAL
COUNCIL.

Through the Chief Officer Mapusa —

Goa.

3. MR. KAMLESH ASHOK DONGARE.

Major of Age. Married. Son of Ashok Bhupal Dongre. R/o. R.S. No. 175. Plot No. 18. Opposite Rajhans Printing Press. Nagala Park, Kolhapur, Maharashtra, 416003. Having office at BS.18, Chandranath Apartments, Near Mapusa Fire Station, Mapusa — Goa. 403507

4. MR. RUTURAJ SHIVAJI PATIL, Major of Age. Married, Son Of Shivaji Ragunath Patil, R/o. R.S. Latavade, Hatkanangle Kolhapur, Maharashtra. 416112, Having Office at BS.18 Chandranath Apartments Near Mapusa Fire Station, Mapusa - Goa. 403507,

5. SMT. VIDHYA SADASHIV NATEKAR, Major of age. Housewife. Widow of Late Sadashiv Sakharam Natekar., R/o H. No. 92, Ward No. 13. Angod Wada, Mapusa Bardez - Goa,

6. MR. SANJAY SADASHIV NATEKAR.

Major of age. Unmarried, Son of Late Sadashiv Sakharam Natekar. R/o H. No. 92. Ward No. 13. Angod Wada. Mapusa Bardez - Goa.

7. MS. SIDDHI VIJAY PARAB,

Major of age. Spinster, Daughter of
Late Vijay J. Parab, R/o H. No. 155,
F/2. Dangui Colony, Mapusa. Bardez -
Goa.

8. MR. CLEMENT D'CUNHA.

54 Years of Age. Son of Late Xavier
D'Cunha, Businessman, R/o. Xavier
Tailors. Angod Vaddo. Mapusa —Goa.

..... Respondents.

**Mr S.D. Lotlikar, Senior Advocate with Ms S. Keny,
Advocate for the Petitioners.**

**Ms Sapna Mordekar, Addl. Govt. Advocate for Respondent
No.1.**

Mr P. Shirodkar, Advocate for Respondent No.2.

CORAM : M. S. SONAK, J.

DATED : 9th FEBRUARY 2023

ORAL JUDGMENT :

1. Heard Mr S.D. Lotlikar, learned Senior Advocate, who appears along with Ms S. Keny, learned Counsel for the Petitioners, Ms Sapna Mordekar, learned Addl. Govt. Advocate for Respondent No.1 and Mr P. Shirodkar for Respondent No.2. Respondents No.3 and 4 are the builders, who are served and had filed appearance through an Advocate. However, the Advocate has reportedly withdrawn his appearance.

2. Respondents No.5 to 8 are the original owners of the property.
3. Mr Lotlikar states that the builders are no longer pursuing with the construction of the project based on the licence that they had obtained from the Mapusa Municipal Council.
4. This Petition was in the context of the construction licence. Further, the second and the third Petitioners have also expired. However, considering the above development, there is no point in pending this Petition.
5. If and when, any construction licence is issued or acted upon concerning the suit structure, liberty is granted to the first Petitioner and the legal representatives of the other Petitioners to take out appropriate proceedings before appropriate authorities and pursue the same.
6. Since no merits have been examined, it is clarified that all contentions of all parties are left open.
7. Petition is disposed of with the above observations and directions.
8. There shall be no order for costs.

M. S. SONAK, J.

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