

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.588 OF 2022

1. Mr. Joseph Santano Ephrem
Victoria,
S/o late Mr. Nascimento Victoria,
Age 58 years,
R/o House No.6/53-E,
Sonarbhat, Saligao, Bardez, Goa.
2. Mr. Prakash Nauso Navelkar,
S/o late Mr. Navso Navelkar,
Age 63 years,
R/o House NO.6/54,
Sonarbhat, Saligao, Bardez, Goa.
3. Mr. Nicholas Sequeira,
S/o late Mr. Louis Caetan
Sequeira,
Age 76 years,
R/o House No.6/57, Sonarbhat,
Saligao, Bardez, Goa.
4. Mr. Frederick Noronha,
S/o late Mr. Antonio Xavier
Francisco Noronha,
Age 56 years,
R/o House No.7/84, Sonarbhat,
Saligao, Bardez, Goa.

... Petitioners

Versus

1. State of Goa,
Through its Chief Secretary,
Having Office at Secretariat,
Porvorim, Goa.

2. The District Collector (North
Goa),
District Collectorate Building,
Menezes Braganza Building,
Panaji, Goa.
3. The Deputy Collector,
Bardez Taluka,
Bardez, Goa.
4. The Block Development Officer,
Saligao Village, Bardez-Goa.
5. The Village Panchayat of
Saligao,
Through its Secretary,
Panchayat Ghar, Saligao Village,
Bardez, Goa.
6. The Comunidade of Saligao,
Through its Attorney,
Comunidade Ghar,
Saligao, Bardez, Goa.

... Respondents

Mr Abhijeet Kamat, Advocate for the Petitioners.

Mr Prashil Arolkar, Additional Government Advocate for
Respondent State.

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

DATED : 13th FEBRUARY 2023

ORAL JUDGMENT:

1. Heard Mr Abhijeet Kamat, learned counsel for the petitioners
and Mr Prashil Arolkar, learned Additional Government Advocate for
Respondents.

2. Rule. The Rule is made returnable immediately at the request and with the consent of learned counsel for the parties.

3. The petitioners by instituting this petition had sought for a writ of mandamus in the following terms:

'a. Issue a writ of mandamus or a writ in the nature of mandamus directing the Respondents take immediate action against the illegal developments taking place in Survey Nos.184/1, 184/2, 184/3, 184/4 and 184/5 of Village Saligao, Bardez Taluka based on the complaints made by the Petitioners.

b. Such other orders as this Hon'ble Court deems fit in the circumstances of the case.'

4. Today, Mr Arolkar, learned Additional Government Advocate hands in an order dated 27.08.2020 and submits that cognizance has already been taken of the petitioners' complaints and pursuant such complaints, the Deputy Collector and Sub-District Magistrate, Mapusa-Goa had issued the following directions:

'NOW THEREFORE, in exercise of the powers vested under sub-section (3) of Section 33 of Goa Land Revenue Code, 1968 I, Mamu Hage, IAS, Dy. Collector & Sub-Divisional Magistrate, Mapusa Sub-Division, Mapusa-Goa hereby direct the Executive Engineer, DIV-XIII, P.W.D., (Roads) Mapusa-Goa to restore the land in original position of the property under Sy. Nos.184/1, 184/2, 184/3, 184/4 and 184/5 of village Saligao of Bardez Taluka and submit action taken report to this office.

The debris/filling excavation so remove shall be placed/dispose off at designated disposal sites identified y PWD.

The Executive Engineer, Electricity Department, DIV-VI, Mapusa to depute electrical personnel in order to disconnect the electric supply at the above mentioned site.

The Town and Country Planning Department should be intimated regarding date and time on which the order shall be executed to identify the location and site of the restoration of land to be carried out.'

5. Mr Almeida states that by further communication dated 10.02.2023, the Deputy Town Planner has fixed the site inspection on 16.02.2023 to consider the compliance about violation of Section 17-A of the Town and Country Planning Act.

6. Mr Arolkar, on instructions states that necessary compliance with the order dated 27.08.2020 and consequent restoration would be ensured by the authorities within 5 months from today. Further, Mr Arolkar states that the Deputy Town Planner will take action as is permissible under the law within 3 months from today.

7. Accordingly, by accepting the above statements and directing the concerned authorities to act consistent with their statements, we dispose of this petition.

8. Within 6 months from today, the authorities, should inform the petitioners about the status of compliance. If the petitioners

grievances persist, then, the petitioners will have liberty to file appropriate proceedings.

9. The Rule in this petition is disposed of in above terms. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

MARIA SUZANA
REBELLO

Emprego jurídico: MARIA SUZANA REBELLO
Data: 2023-02-13 10:00:00