

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 86 OF 2022

IN

SECOND APPEAL NO. 76 OF 2022

VISHRAM KRISHNA KANTAK
(DEC) AMENT. AS PER ORDER
DTD. 5/2/2015 AND ANR

... Applicants

Versus

CANACONA MUNICIPAL
COUNCIL, THR. ITS CHIEF
OFFICER, CANACONA AND
21 ORS

... Respondents

Mr. A. D. Bhobe and Ms. A. Fernandes, Advocates for the
Applicants.

Ms. Rosette Pereira, Advocate for Respondent No.1.

Mr. R. G. Ramani, Senior Advocate with Mr. P. Kakodkar,
Advocate for Respondent Nos. 4, 6, 7, 8 and 9.

Mr. M. B. Da Costa, Senior Advocate with Mr. P. A. Kamat and
Mr. Rehan Abbasi, Advocates for Respondent Nos.13 to 22.

CORAM: M. S. SONAK, J.

DATED : 31st MARCH 2023

P.C.:

1. Heard Mr. Bhobe, learned counsel for the Appellants, Ms. Rosette Pereira, learned counsel for Respondent No.1, Mr. Ramani, learned Senior Advocate who appears along with Mr Kakodkar for Respondent Nos. 4, 6, 7, 8 and 9, and Mr. Da Costa, learned Senior

Advocate who appears along with Mr. P. A. Kamat for Respondent Nos.13 to 22.

2. In so far as the interim relief is concerned, the record shows that an interim order dated 04.01.2020 was in operation during the pendency of the appeal. Mr Bhobe points out that even during the pendency of the suit an interim order was in operation.

3. In terms of the interim order, Respondent No.1 i.e. Canacona Municipal Council was restrained from issuing any permission to any of the co-owners unless the other co-owners were to consent. Now that the Appellate Court has held that the Appellant was not the sole owner but was one of the co-owners along with the Respondents, the interim orders that have been operating all this while should continue pending the disposal of this appeal.

4. Accordingly, the interim relief is granted in terms of prayer clause (a) which reads as follows:-

“(a) For an order restraining the Respondent No.1 was restrained from issuing any permission to any person without consent of the Applicants and the Respondent Nos. 4 to 22 from erecting temporary shacks/huts/structures in the suit property bearing Survey No.36/16 of Village Nagarcem-Palolem of Canacona Taluka.”

5. The Civil Application No.86 of 2022 is disposed of.

M. S. SONAK, J.