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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.355 OF 2023

PANDURANG MUKUND SAWANT @
PANDURANG MUKUND ASVEKAR

... Petitioner

Versus

THE STATE THR.
CHIEF SECRETARY AND 8 ORS.

... Respondents

Mr Prasheen Lotlikar, Advocate *for the Petitioner.*

Ms Sapna Mordekar, Additional Government Advocate *for Respondent
Nos.1, 2, 3 and 5.*

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

DATED: 10th July 2023

P.C.:

1. Heard Mr Prasheen Lotlikar for the Petitioner and Ms Sapna Mordekar, learned Additional Government Advocate, for Respondent Nos.1, 2, 3 and 5.
2. The challenge in this petition was to the orders made by the Deputy Collector.
3. After hearing Mr Lotlikar, we were satisfied that no case has been made for interference with the impugned order. At this stage, Mr Lotlikar sought for some time on behalf of the Petitioner to demolish the structure

in question. The matter was adjourned to enable the Petitioner to file affidavit-cum-undertaking.

4. The Petitioner has now filed an affidavit-cum-undertaking dated 10.07.2023 which reads as follows:-

“AFFIDAVIT/UNDERTAKING

I, Pandurang Sawant alias Ashvekar, S/o. Late Mukund Sawant, aged 82 years resident of H.no.7.121, Aradi Cruz Vaddo, Saligao, Bardex, Goa, Indian national, the petitioner herein, do hereby on solemn affirmation, state and submit as under:

1. I say that I am the lawful tenant of the property bearing survey no. 183/4 of village Saligao, Bardex Taluka, and the said property admeasures around 2225 sq. mts, and my name is reflected in the tenants column of Form I and XIV of the said property.

2. I say that I undertake to demolish the said temporary structures erected in the said property bearing survey n o. 184/3 of village Saligao, Bardex Taluka, Goa, and also undertake that I will not carry out any commercial activity i.e. selling vegetables, running a flour mill, running of tea stall, in the said temporary structures as identified in the inspection report dated 23.10.2020.

3. I undertake to demolish the said temporary structures erected, as identified in the inspection report dated 23/10/2023, within 3 months from today i.e. on or before 10/10/2023.

4. I say that the contents of paras 1 to 3 are true to my knowledge (Explained in Konkani)

Solemnly affirmed at Porvorim on this 10th day of July 2023.”

Place: Porvorim

Date: 10/07/2023

Petitioner

sd/-

Adv. For the Petitioner.”

5. The affidavit-cum-undertaking is accepted as an undertaking to this Court. The Petitioner must comply with the same without any excuses or resorting to any means to avoid compliance.

6. Ms Mordekar invites us to the order dated 13.02.2023 made by us in Writ Petition No.588/2022. About the structure we are now concerned with, the State had assured this Court that the order dated 27.08.2020 would be complied with and the restoration works would be completed within five months/three months. Now that we are accepting the Petitioner's undertaking that the structure in question would be demolished on or before 10.10.2023, the time limit indicated in our order dated 13.02.2023 in Writ Petition No.588/2022 is proportionately extended concerning only the Petitioner's structure in Survey No.184/3. However, the requirement of filing the compliance report continues.

7. By accepting this undertaking, this petition is disposed of. At least upto 10.10.2023, the authorities need not take any action against the Petitioner's structure. However, if by 10.10.2023, the structure is not demolished, then apart from the liability of the Petitioner to face contempt proceedings for breach of the undertaking, the authorities concerned must ensure that the structure is demolished and the costs of such demolition are recovered from the Petitioner. The petition is disposed of in the above terms.

8. All concerned to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.