

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.17 OF 2023
WITH
CIVIL APPLICATION NO.64 OF 2023**

APPEAL FROM ORDER NO.17 OF 2023

MOTILAL S. PARSHEKAR AND ANR ... APPELLANTS

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 11 ORS ... RESPONDENTS

**WITH
CIVIL APPLICATION NO.64 OF 2023
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STATE OF GOA, THR. THE CHIEF
SECRETARY AND 11 ORS ... RESPONDENTS

Mr. S.G. Desai, Senior Counsel with Mr. V. Parsekar and Mr. Tejas Rane, Advocate for the Appellants.

Mr. Manish Salkar, Government Advocate for Respondents No. 1 to 9.

Mr. Vallabh Pangam, Advocate for Respondent Nos. 11 and 12.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 14th September, 2023

P.C.:

1. Heard Mr. S.G. Desai, learned Senior Counsel with Mr. V. Parsekar and Mr. Tejas Rane, learned Counsel for the appellants, Mr. Manish Salkar, learned Government Advocate for Respondents No. 1 to 9 and Mr. Vallabh Pangam, learned Counsel for Respondent Nos. 11 and 12.

2. After hearing the matter for some time, it was agreed that at present no construction activity is going on in the plot of respondents No.11 and 12. Similarly, it is pointed out that the proceeding before the DSLR regarding the demarcation of the plot is still pending.

3. Learned Counsel for the parties suggested that the present matter could be disposed of by directing the DSLR authorities to decide the application for demarcation filed by respondent No.11, within a period of three months from today. Similarly, the appellants/plaintiffs agree to complete their evidence before the trial Court within a period of three months whereas the respondents to complete their defence evidence within a further time of three months. The trial Court shall decide the suit within a period of six months from today.

4. The respondents No.11 and 12 agree that till disposal of the suit within six months, no further construction activity shall be undertaken.

5. It is also agreed by the parties that if any party is aggrieved by the decision of the DSLR, the same will be challenged before the appropriate Forum. However, for that purpose there will be no adjournment in the civil suit bearing No.2 of 2018 pending on the file of District Court - II, Mapusa.

6. In view of the above understanding, the present Appeal from

Order stands disposed of.

7. The Village Panchayat who is respondent No.10 is free to take recourse with regard to the application filed by the plaintiff, independently.

8. Civil Application, if any, stands disposed of.

BHARAT P. DESHPANDE, J.