

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 512 OF 2023

SHANTI HARESH PARAB ... PETITIONER
VS
STATE OF GOA, THR. CHIEF
SECRETARY & 3 OTHERS ... RESPONDENTS

Mr Athnain Naik, Advocate for the Petitioner.

Mr Manish D. Salkar, Government Advocate for Respondent
Nos. 1 to 4.

Mr Vivek Rodrigues, Advocate for Respondent No. 5.

Mr Ashwin D. Bhobe with Ms Annelise Fernandes,
Advocates for Respondent Nos. 6 to 14.

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

DATED: 27th SEPTEMBER 2023

P.C.:

1. Heard Mr Athnain Naik for the Petitioner, Mr Manish Salkar for Respondent Nos. 1 to 4, Mr Vivek Rodrigues for Respondent No. 5 and Mr Bhobe for Respondent Nos. 6 to 14.

2. Mr Rodrigues learned Counsel for the Village Panchayat of Saligao pointed out that the Petitioner has occupied her house without obtaining any occupancy certificate. He points out that the proceedings are pending with regard to the occupancy

certificate and even before the proceedings could be disposed of and the occupancy certificate issue could be sorted out, the Petitioner who has constructed an entirely new house [consisting of ground plus one floor] has chosen to occupy the premises.

3. In this Petition, we had protected the Petitioner by granting interim orders because the electricity and water supply was ordered to be disconnected by the health authorities. At that stage, we were under the impression that the Petitioner was occupying her house after obtaining the occupancy certificate.

4. Mr Athnain Naik and the Petitioner who are present in the Court do not dispute that the Petitioner does not have an occupancy certificate.

5. In the absence of an occupancy certificate, we are quite surprised as to how the electricity and water connection was released to the Petitioner. In any case, the Petitioner should have disclosed all these facts in the Petition. These were relevant facts. Had we known that the Petitioner's occupation is not backed by any occupancy certificate, we would not have granted any interim relief releasing the electricity and water supply. Accordingly, for suppressing material and relevant facts, we do not wish to exercise the extraordinary, discretionary and equitable jurisdiction in favour of the Petitioner. This Petition is accordingly dismissed.

6. The Petitioner who is present in the Court states that even the Respondents who have complained against the Petitioner are

occupying their houses without any occupancy certificate. If this is so, the Panchayat must look into the matter and if found to be correct, take immediate action against such structures and occupants.

7. The Petitioner states that she has filed proceedings before the BDO bearing No. BDO-I-BAR/201-A/7/2021 on the issue of occupancy certificate. The BDO is accordingly directed to dispose of the said proceedings as expeditiously as possible and in any case within six weeks from the date an authenticated copy of this order is filed before the BDO.

8. This Petition is disposed of and the interim orders granted earlier are vacated.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

VAIGANKAR
ESHA SAINATH

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