

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.534 OF 2023

VENKATESH NARAYAN PRABHU MONI ... Petitioner

Versus

STATE OF GOA THR. SECRETARY AND 3 ORS ... Respondents

Mr S.M. Walawaikar with Mr Mahesh Raikar, Advocates for the Petitioner.

Mr Devidas Pangam, Advocate General with Ms Akshata Bhat, Additional Government Advocate for the Respondent No.1.

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

DATED: 30th August 2023

P.C.:

1. Heard Mr Walawaikar who appears with Mr Raikar for the petitioner and Mr Devidas Pangam, learned Advocate General with Ms Akshada Bhat, learned Additional Government Advocate who appears for respondent No.1.
2. The petitioner has prayed for the following substantive reliefs in this petition:

A) This Hon'ble Court be pleased to issue an appropriate Writ in the nature of mandamus and/or such other order and direct the Mapusa Municipal council to cause immediate demolition of the said Kiosk in accordance with its final Notice of demolition dated 11/01/2021 at EXHIBIT A.

B) Direct the Respondent No.2 Mapusa Municipal Council to issue the Occupancy Certificate to the petitioner's subject Project Prabhu Chambers at Mapusa, Bardez, Goa forthwith.

3. So far as prayer clause 'A' is concerned, Mr Walawaikar fairly admits that demolition notice dated 11/01/2021 or rather the demotion in pursuance of this notice dated 11/01/2021 has been stayed by the learned Single Judge of this Court. Accordingly, the relief in terms of prayer clause 'A' is now rendered infructuous and in any case the same will have to abide by the orders in Writ Petition No.1964/2023(F).

4. In so far as relief in terms of prayer clause 'B' is concerned, we direct respondent No.2 to dispose of the petitioner's application seeking Occupancy Certificate in accordance with law and on its own merits as expeditiously as possible. We clarify that we have not issued any positive directions for either issue or rejection of Occupancy Certificate. We have only directed respondent No.2 to dispose of the petitioner's application seeking Occupancy Certificate in accordance with law and on its own merits.

5. With the above directions this petition is disposed of.

6. All concerned to act on the authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

MEENA
VISHAL
BHOIR

Digitally signed
by MEENA
VISHAL BHOIR
Date: 2023.08.31
11:58:41 +05'30'