

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.588/2023

SANDHYA M. NAIK

... PETITIONER

Versus

EXECUTIVE ENGINEER DIVISION
XVIII (ROADS) PWD & 5 ORS.

... RESPONDENTS

Mr Pranay Kamat, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Ms Akshata Bhat,
Additional Government Advocate for the State.

Mr Akshay Naik, Advocate for Respondent No.4-Panchayat.

Mr Iftikar Agha with Ms V. Fernandes, Advocates for Respondent
Nos.5 and 6.

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

DATED: 7th NOVEMBER 2023

P.C.:

1. Heard Mr Pranay Kamat for the petitioner, Mr D. Pangam, learned Advocate General appears along with Ms Akshata Bhat, learned Additional Government Advocate for respondents no.1 to 3, Mr Akshay Naik for respondent no.4 and Mr Iftikar Agha for respondents no.5 and 6.

2. The petitioner's complaint is that the fifth and sixth respondents have put up illegal constructions on Government property by the roadside and despite the Executive Engineer's communication dated 19.10.2021 to the fifth and sixth respondents to remove the said encroachment within seven days, neither are the fifth and sixth respondents complying with such direction nor the Executive Engineer, Ponda taking any steps to execute his direction.

3. Mr Naik, learned counsel for the Panchayat states that the fifth respondent was granted permission to put up a mobile cart. No such permission was granted to the sixth respondent. He admits that both these respondents have put up shops on Government land.

4. Mr Agha, learned counsel for the fifth and sixth respondents first stated that the direction issued by the Executive Engineer is complied with and access is now quite clear. He submitted that even the petitioner has put up a similar structure and Panchayat is not taking any action against the same.

5. Learned AG stated that the Executive Engineer will take steps to remove the encroachment put up by the fifth and sixth respondents within thirty days from today. He however points out that if the petitioner has also put up an illegal shop then the petitioner should also be called upon to remove the same.

6. After the matter was heard for some time, Mr Pranay Kamat, learned counsel for the petitioner, based on instructions from the petitioner stated that the petitioner will remove the structure in his property bearing Survey No.9/2-B at Bandora, Ponda, Goa within thirty days from today and file a compliance report in this Court. This statement is accepted and the petitioner will have to act based upon the same.

7. Similarly, Mr Agha, learned counsel for the fifth and sixth respondents, based on instructions stated that even these respondents will remove their structures within thirty days from today and file a compliance report. Even this statement is accepted and the fifth and sixth respondents will have to act based upon the same.

8. The Panchayat and the Executive Engineer must inspect the site after thirty days and verify whether there is compliance. The compliance report along with photographs must be filed in this Court by the petitioner, fifth and sixth respondents, the Executive Engineer and the Secretary of the Village Panchayat.

9. After the structures are removed, it will be open to the parties to apply to the Panchayat for NOCs to operate mobile carts. If the Panchayat grants such NOCs, it will be open to the petitioner and the fifth and sixth respondents to operate mobile carts in terms of the permission so granted. However, the fifth and sixth respondents should not put up any structures on the

Government property and use such structures for commercial purposes.

10. With the above directions, this petition is disposed of. All concerned to act on an authenticated copy of this Order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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