

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.249 OF 2022

WITH

WRIT PETITION NO. 248 OF 2022

LOURENCO FERNANDES AND ANR

...Petitioners

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS

... Respondent

Mr. Rohit Bras De Sa with Mr. P. Naik, Advocates for the Petitioners.

Mr. D.J. Pangam, Advocate General with Mr. Shubham Priolkar,
Additional Government Advocate for Respondents- State in WP No. 249
of 2022

Mr. Rui Gomes Pereira, Advocate for Respondent No.4 in WP No. 249
of 2022

Mr. D.J. Pangam, Advocate General with Mr. G. Shetye, Additional
Government Advocate for Respondents- State in WP No. 248 of 2022

Mr V. Rodrigues and Mr. Siddharth Malik, Advocates for Respondent
No.4 in WP No. 248 of 2022.

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

DATED : 24th JANUARY, 2023

P. C.

1. Heard learned Counsel for the parties.
2. Insofar as Writ Petition No.249 of 2022 is concerned, the learned Advocate General states that the Administrator of Comunidades will

consider and dispose of the petitioner's complaint dated 19/11/2021. the document dated 19/11/2021 is a legal notice on behalf of the petitioner but the same will be considered as a complaint made by the petitioner. The Administrator will afford an opportunity of hearing to the petitioner and respondent No.4 before taking a final decision on this complaint. The learned Advocate General states that this complaint will be disposed of within two months in accordance with the law. The decision will be communicated to the parties.

3. By accepting the aforesaid statement and directing the Administrator to act accordingly we dispose of Writ Petition No.249 of 2022.

4. Insofar as Writ Petition No.248 of 2022 is concerned, the Administrator had already looked into the complaint of encroachment by respondent No.4 and even passed the removal/demolition order. However, this order has been stayed by the learned Single Judge of this Court in Writ Petition No.987 of 2019. The said order is dated 20/11/2019. Incidentally, even the petitioner is the party to the said Writ Petition.

5. Therefore, we do not grant any reliefs in Writ Petition No.248 of 2022 but we clarify that the petitioner will have the liberty to pursue his complaint depending upon the outcome of Writ Petition No.987 of 2019. With this clarification, we dispose of Writ Petition No.248 of 2022.

6. We clarify that we have not gone into the rival contentions and such rival contentions are therefore kept open. Both petitions are disposed of in the above terms.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

MEENA
VISHAL
BHOIR

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by MEENA
VISHAL BHOIR
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