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**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.84 OF 2023**

VIJAY VASANT HARMALKAR AND ANR. ... Petitioners

*Versus*

STATE OF GOA, THR.  
CHIEF SECRTARY AND 2 ORS. ... Respondents

Mr Preetam Talaulikar, Advocate *for the Petitioners*.

Mr D. Pangam, Advocate General with Mr Shivdatt Munj,  
Additional Government Advocate *for the Respondents-State*.

Mr Iftikhar Agha with Mr Utkarsh Sawant, Advocates *for Respondent No.3*.

**CORAM: M.S. SONAK &  
VALMIKI SA MENEZES, JJ.**

**DATED: 17<sup>th</sup> April, 2023**

**P.C.:**

1. Heard Mr Talaulikar for the Petitioners. Learned Advocate General appears along with Mr Munj, Additional Government Advocate, for Respondent No.1. Mr Agha appears along with Mr Sawant for Respondent No.3. Respondent No.2, though served, is absent.

2. The Petitioners' complaint is that the Respondent No.2 or the Mapusa Municipal (MMC) are not disposing of show-cause notices dated 12.06.2018 and 06.12.2018 issued to Respondent No.3 on Petitioners' complaint about illegal construction undertaken by

Respondent No.3. Mr Talaulikar states that in addition to the structures which are the subject matter of the two show-cause notices, Respondent No.3 has illegally constructed a shop by casting an RCC slab roof in the property bearing P.T. Sheet No.13, Survey No.58, Sub Div. No.15 of Cuchelim Village, Bardez Taluka against which a separate complaint has been filed by Petitioner No.2. Mr Talaulikar states that not even a show-cause notice is issued concerning this complaint even though this structure comes within the road widening area.

3. Accordingly, we direct the Chief Officer/MMC to issue a show-cause notice to Respondent No.3 about the additional structure referred to above and also referred to in paragraph 5 of the Petitioners' complaint dated 05.12.2018 at Exhibit 'C', pages 22 to 28 of this paper-book. Such show-cause notice is to be issued within 15 days from today.

4. After that, the Chief Officer/MMC is directed to dispose of the show-cause notices dated 12.06.2018, 06.12.2018 and the third show-cause notice that is to be issued within 15 days from today, in accordance with law and on their own merits. Mr Agha states that replies will be filed to all the show-cause notices latest by 31.05.2023 All three show-cause notices must be disposed of as expeditiously as possible and in any case not later than 30.06.2023.

5. In the peculiar facts of this case, the MMC/Chief Officer must hear the Petitioners and Respondent No.3, and further, communicate this order to them on or before 30.06.2023. The Chief Officer/MMC must in these matters pass reasoned orders.

6. Petitioners are authorized to serve an authenticated copy of this order on Respondent No.2 who shall have to act based upon the same.
7. The petition is disposed of in the above terms. There shall be no order for costs.

**VALMIKI SA MENEZES, J.**

**M.S. SONAK, J.**