

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.33/2023

GODAVARI KAMU HALARNKAR

... Petitioner

Versus

THE DEPUTY TOWN PLANNER,
TOWN AND COUNTRY PLANNING
DEPT. AND 3 ORS.

... Respondents

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

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

Mr Pravin Faldessai, Advocate *for Respondent No.3.*

Mr I. Agha with Mr K. Morajkar and Ms V. Fernandes, Advocates *for Respondent No.4.*

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

DATED: 1st MARCH 2023

P.C.:

1. Heard Mr Walwaikar for the petitioner, Mr D. Pangam, learned Advocate General who appears along with Ms Akshata Bhat for respondent nos.1 and 2, Mr Pravin Faldessai for respondent no.3 and Mr Agha for respondent no.4.

2. The petitioner challenges the order/communication dated 05.09.2022 by which the order revoking the NOC granted to respondent no.4 was revoked. Mr Walwaikar submits that the initial revocation order was based on the complaint of the petitioner. He submits that before the impugned order/communication dated 05.09.2022 was made, no opportunity of hearing was granted to the petitioner.

3. Learned Advocate General states that the impugned order/communication dated 05.09.2022 was made without the opportunity of hearing and therefore, the impugned order/communication dated 05.09.2022 would be withdrawn and the Deputy Town Planner, after giving opportunity of hearing to the petitioner and respondent no.4, shall decide the issue afresh within two months from today.

4. We accept the statement of the learned Advocate General and direct the authorities to act accordingly. The impugned order/communication dated 05.09.2022, accordingly, stands set aside. The Deputy Town Planner must give an opportunity of hearing to the petitioner and respondent no.4 and decide on the issue of validity of the NOC afresh. All contentions of all parties regards this issue are specifically kept open for initial decision of the Deputy Town Planner.

5. The petitioner and respondent no.4 to co-operate with the Deputy Town Planner for expeditious disposal. In particular, the petitioner should not delay the matter and attend the office of the Deputy Town Planner on the appointed date without seeking any adjournments. If necessary, the parties should file written submissions explaining their respective versions. But no adjournments shall be applied for this purpose.

6. The petition is accordingly disposed of. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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