

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO.35 OF 2023

Santosh Subraya Naik

...Petitioner

Versus

State of Goa, thr. Chief Secretary And 22
Ors.

...Respondents

Mr Rohit Bras De Sa, Advocate for the Petitioner.

**Mr Siddharth Samant, Additional Government Advocate for
Respondent Nos. 1, 3 to 9.**

Mr S. Kamulkar, Advocate for the Respondent No.11.

**Mr Iftikhar Agha and Ms Valencia Fernandes, Advocates for
Respondent No.13.**

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

DATE: 26th FEBRUARY, 2024

P.C.:

1. Heard Mr Rohit Bras de Sa, learned counsel for the petitioner, Mr Siddharth Samant, learned Additional Government Advocate for Respondents No.1 and 3 to 9, Mr S. Kamulkar, learned counsel for Respondent No.11 and Mr Iftikhar Agha with Ms Valencia Fernandes, learned counsel for Respondent No.13.

2. On 13.02.2024, we made the following Order:-

“P.C.

Mr Samant, learned Additional Government Advocate states that the Deputy Town Planner will visit the site and file an affidavit whether there is any construction or usurpation of the alleged open space which is the subject matter of this petition. Such affidavit must be filed by 23.02.2024 by giving an advance copy to the learned counsel for the petitioner.

3. Stand over to 26.02.2024. In the meantime, the petitioner to take steps to serve the unserved respondents.”

3. Pursuant to the same, Mr Samant, learned Additional Government Advocate places on record site inspection report signed by the Deputy Town Planner, Quepem. Mr Samant states that the Town And Country Planning Department has also not issued any permissions or NOCs for carrying out any construction or development in Survey No.16/2 of Xelvona, Quepem, Goa.

4. The site inspection report states that there are neither any constructions nor is there any structure in the alleged open space. Even photographs have been annexed to the site inspection report.

5. Mr De Sa states that in view of the above site inspection report and the statements, this petition can be disposed of.

6. Accordingly, this petition is disposed of.

VALMIKI SA MENEZES ,J.

M. S. SONAK, J.