

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.24/2024

IN

SECOND APPEAL NO.101/2019

COMMUNIDADE OF LOUTULIM,
REP. THR. ITS SPECIAL ATTORNEY,
FRANCISCO MONTEIRO

... APPLICANT

Versus

ANA CLARA OLINDA ARAUJO DSA
AND 14 ORS.

... RESPONDENTS

Mr Sandesh Padiyar with Mr P. Shirodkar and Ms A. Rane,
Advocate for the Applicants.

Mr C.A. Coutinho with Mr Ivan Santimano, Advocates for the
Respondents No.2 and 3.

CORAM: M. S. SONAK, J.

DATED: 29th FEBRUARY 2024

P.C.:

1. Heard Mr Sandesh Padiyar for the applicant and Mr C. A. Coutinho for respondents no.2 and 3.
2. Mr Coutinho tenders a reply on behalf of the second and third respondents. In para 3 of the reply, these respondents have stated as follows:-

“3. These defendants have no intention of disturbing the status quo by developmental or construction activity except for maintaining of the road which is on a hilly terrain. These defendants have no intention of creating any third party rights.”

3. Mr Coutinho, on behalf of the second and third respondents, states that the status quo will not be disturbed in any manner during the pendency of this second appeal. Further, Mr Coutinho, on behalf of the second and third respondents states that no third party rights will also be created. These statements are accepted as undertakings to this Court on behalf of the second and third respondents.

4. Even the other respondents are directed to maintain status quo and not attempt to create any third party rights.

5. The appellant is granted liberty to visit the site and place photographs on record to indicate the status quo at the site. A copy of the affidavit along with the photographs be furnished to the learned counsel for respondents no.2 and 3. Such affidavit along with the photographs to be filed within a week from today.

6. This interim order is without prejudice to the action, if any, initiated by the authorities like the Panchayat, Town and Country Planning Department, etc. against the respondents.

7. Civil Application No.24/2024 is disposed of in the above terms.

M. S. SONAK, J.

SUCHITRA
NANDAN
SINGBAL

Digitally signed by
SUCHITRA
NANDAN SINGBAL
Date: 2024.02.29
14:20:56 +05'30'