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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.306 OF 2024

RAJENDRA V. KERKAR

... PETITIONER

Versus

**THE STATE OF GOA THR. THE CHIEF
SECRETARY AND 4 ORS**

... RESPONDENTS

Mr A. Kamat, Advocate for the Petitioner.

Mr Geetesh Shetye, Additional Government Advocate for
Respondent Nos.1 to 3.

Mr P.A. Kamat, Advocate for Respondent No.4.

Mr H.D. Naik, Advocate for Respondent No.5.

**CORAM:- M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED :- 11th June, 2024

P.C.:

The learned Counsel for the petitioner has placed on record a copy of the order dated 06.06.2024 withdrawing the order dated 15.06.2023.

By virtue of this order technical clearance order issued by the Deputy Town Planner for the proposed amalgamation of properties and construction of residential building and swimming pool at property bearing survey no.3/5 and 16 of Calangute Village, Bardez Taluka has been withdrawn.

2. In this view of the matter nothing survives in the petition for consideration of this Court. Consequent to the order dated 06.06.2024,

needless to mention, further consequences shall follow and the concerned Village Panchayat can proceed to take appropriate action in accordance with law. We make it clear that it is open for respondent no.5 to challenge the order dated 06.06.2024 passed by the office of the Deputy Town Planner before the appropriate forum on its own merits and in accordance with law. We further make it clear that we have not made any observations as regards the merits or otherwise of the order dated 06.06.2024.

3. The learned Counsel for the petitioner submits that despite the order dated 06.06.2024 withdrawing the technical clearance, respondent no.5 is proceeding ahead with the construction. So long as the order dated 06.06.2024 is in operation, it is obvious that respondent no.5 cannot proceed with the construction and in such a case it is always open for the Authorities to take action in accordance with law.

4. The petition is disposed of in the above terms. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.