



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.406 OF 2024

M/S. RAO AND COMPANY THR. ITS
PARTNER SATISH JAIWANT RAO

... PETITIONER

Versus

CORPORATION OF CITY OF PANAJI
REPRESENTED BY ITS COMMISSIONER

... RESPONDENT

Mr. R. Rao, Advocate for the Petitioner.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,
Advocate for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 13th June, 2024

P.C.:

1. Heard Mr. R. Rao, learned Counsel for the Petitioner and Mr. J.E. Coelho Pereira, learned Senior Counsel with Mr. V. Braganza, learned Counsel for the Respondent.

2. The challenge in the present petition is to the notice dated 12/03/2024 issued by the Commissioner, Corporation of the City of Panaji thereby sealing the premises of the Petitioner on the ground that such premises are in dilapidated condition and posing danger to the occupants or the nearby residents.

3. Mr. Rao submits that the Estate Officer has passed an order which has been challenged before this Court. Similarly, he submits that another order passed by CCP directing to demolish the said building is challenged before the appellate authority i.e. Secretary, Urban Development Department.

4. Mr. Pereira submits that the Petitioner is having an alternate efficacious remedy available by way of filing an appeal challenging the impugned notice and accordingly the petition not be entertained.

5. After hearing Mr. Rao for some time, he submits that liberty to be granted to the Petitioner to withdraw the present petition and to approach the appellate authority i.e. the Secretary, Urban Development Department thereby challenging the notice of sealing dated 12/03/2024.

6. Since the Petitioner is having an alternate efficacious remedy by way of filing an appeal, liberty is granted to the Petitioner to withdraw the present proceedings and to approach the appellate authority. It is submitted that the matter before the Secretary challenging the demolition is now fixed on 27/06/2024. Mr. Rao submits that the Petitioner will file an appeal against the impugned sealing notice on the same day.

7. Accordingly, the present petition is allowed to be withdrawn with

liberty to approach the appellate authority. If the appeal is filed on or before 27/06/2024, the same shall be decided on its own merits and after hearing the Respondents.

8. Needless to mention that this Court has not gone into the merits and contentions raised in the present petition. All contentions of parties are kept open.

9. The petition stands disposed of accordingly.

10. The parties to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.