



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.437/2024

M/S QUEENY REALTY PVT.
LTD THR. ITS DIRECTOR
AGNEL THOMAS
ALCASOAS AND ANR.

... PETITIONERS

Versus

STATE OF GOA THR. THE
SECRETARY AND 5 ORS.

... RESPONDENTS

Mr J. E. Coelho, Senior Advocate with Mr V. Braganza and Mr S.
Rivankar, Advocate for the Petitioners.

Mr Prashil Arolkar, Additional Government Advocate for the State.

Mr Gaurish Agni with Mr K. Kavlekar and Ms D. Shanbhag, Advocates
for Respondent No.3.

Mr Zeller De Souza, Advocate for Respondents No.5 and 6.

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

DATE: 5th AUGUST 2024

P.C.:

1. Heard Mr Coelho Pereira, learned Senior Advocate for the petitioners, Mr P. Arolkar, learned AGA for respondents no.1, 2 and 4, Mr G. Agni for respondent no.3 and Mr Zeller de Sousa for respondents no.5 and 6.

2. An affidavit has been filed on behalf of respondent no.3 duly solemnized on 02.08.2024. As per this affidavit, a site inspection has been carried out by respondent no.3 on 06.05.2024 and it is stated that the GI

Sheets erected within the 40 metres setback area have been removed. It is further stated that MoRTH consultant M/s. Araz Engineering, Bangalore has visited the site and has submitted comprehensive revised plans and the same are accepted. It is further stated that the NOC which was kept in abeyance has been restored.

3. Learned Senior Advocate on instructions submitted that the petitioners will submit the revised plans to the Town and Country Planning Dept. (TCP) within a period of two weeks from today. The TCP to consider the said plans on the basis of the existing rules and regulations applicable in the State of Goa. In the event the TCP approves the plans, the petitioners will have apply for construction license to the Village Panchayat-respondent no.5 within fifteen days. The aspect of grant or otherwise of the construction license should be considered by the Village Panchayat within a period of thirty days from the date of receipt of the application on its own merits.

4. We may not be understood to have made any observations on merits of the respective contentions. All contentions are kept open.

5. Pending the consideration of the revised plans, the petitioners shall not proceed ahead with the construction. In turn, the Village Panchayat not to demolish the structure that exists at site as of today.

6. This order will operate till the decision of the TCP or in the event the plans are approved by TCP till the decision of the Village Panchayat.

7. The amount deposited by the petitioners in terms of this Court's order dated 22.04.2024 be refunded to the petitioners. The petitioners to furnish the bank details to the Registry.

8. The Petition is disposed of. No Costs.
9. Parties to act on an authenticated copy of this Order.

VALMIKI MENEZES, J.

M. S. KARNIK, J.