



Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.827 OF 2023

HARISH NAIK

... PETITIONER

Versus

**STATE OF GOA, THR. THE CHIEF
SECRETARY AND 6 ORS**

... RESPONDENTS

Ms Barbara Andrade with Ms S. Nishad, Advocates for the
Petitioner.

Shri Manish Salkar, Government Advocate for Respondents No.1
and 3.

Shri V. Braganza, Advocate for Respondent No.2.

Shri Hanumant D. Naik, Advocate for Respondent No.4.

Shri S.D. Lotlikar, Senior Advocate with Shri Sarvesh S. Sawant,
Advocate for Respondents No.6 and 7.

WITH
WRIT PETITION NO. 666/2023

GURUDAS TARI AND ANR.

.... PETITIONERS.

VERSUS

**CORPORATION OF THE CITY
OF PANAJI & ORS.**

.... RESPONDENTS.

Shri S.D. Lotlikar, Senior Advocate with Shri Sarvesh S. Sawant,
Advocate for the Petitioners.

Shri V. Braganza, Advocate for Respondent No.1.

Shri Pravin Faldessai, Addl. Govt. Advocate for Respondents No. 2
and 3.

Ms Asha Desai, (through VC) with Ms N. Volvoikar, Advocate for
Respondent No.4.

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

DATED :- 27th June, 2024

P.C.:

1. The Petitioner in WP No. 827/2023 had raised objections to the construction of Respondents No.6 and 7, which, according to him, is an unauthorized construction. In the light of the stand of the learned Senior Advocate Shri Lotlikar for Respondents No.6 and 7, we are not stating the facts in detail. Suffice it to note that the Petitioner was an objector to the unauthorized construction in a collateral proceedings. The Petitioner's grievance is that the impugned order dated 27/3/2023, was passed without hearing him and in breach of the principles of natural justice.

2. In the light of the submissions made across the Bar and in the light of the stand of learned Senior Advocate Shri Lotlikar for Respondents No.6 and 7 on instructions, the matter is remitted to the Deputy Collector and S.D.O. for a proper hearing by giving an opportunity to the Petitioner to raise objections. The impugned order is set aside. The matter is remitted to the Deputy Collector and S.D.O. Panaji to pass a fresh order on the application for regularisation after hearing the parties. Pending disposal of the application, the status quo in respect of the offending structure is maintained. We may not be understood to have expressed any opinion on the merits of the contentions. All contentions are kept open.

3. The parties to appear before the Deputy Collector and

S.D.O. Panaji on 4th July 2024 at 11.00 a.m. The Deputy Collector may fix further schedule of hearing. We request the Deputy Collector to decide the application for regularization as expeditiously as possible and preferably within a period of three months from 4th July 2024. The charges paid for regularization shall abide by the decision of the Deputy Collector and S.D.O.

4. In view of the disposal of Writ Petition No.827/2023, nothing survives in Writ Petition No.666/2023.

5. Both the Writ Petitions stand disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.