



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.590 OF 2024

GORAKHNATH KERKAR

... PETITIONER

Versus

**DEPUTY COLLECTOR, PANAJI SUB
DIVISION AND ANR**

... RESPONDENTS

Mr. Nihal Kamat, Advocate for the Petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for the
Respondents “ State.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 12th August, 2024

P.C.:

1. Heard Mr. Kamat, learned Counsel for the Petitioner and Ms. Sapna Mordekar, learned Additional Government Advocate for the Respondents “ State.

2. The Petition could be disposed of since it pertains to only a Show Cause notice issued by the Deputy Collector dated 23/07/2024 together with an order to stop work, on the ground that the Petitioner started illegal construction of residential structures without obtaining requisite permissions from the competent authorities.

3. Show Cause Notice shows that the Petitioner was called to appear

before the Deputy Collector on 06/08/2024 at 10.30am.

4. Mr. Kamat submits that the Petitioner appeared before the Deputy Collector on 06/08/2024, however, the Presiding Officer was not available and accordingly the matter was adjourned to 14/08/2024.

5. Ms. Mordekar appearing for the State submits that the Petitioner is not having Conversion Sanad and therefore such Show Cause Notice was issued.

6. Mr. Kamat submits that the Petitioner is having all requisite permissions from the competent authority including Conversion Sanad and is ready and willing to produce it before the competent authority.

7. Mr. Kamat submits that the order of stop work issued by the Deputy Collector is itself arbitrary and without following the principles of natural justice.

8. However, since the matter is ceased with the competent authority and the Petitioner is ready and willing to produce all necessary documents to satisfy the said authority and to decide the Show Cause Notice, the Petitioner is permitted to appear and place all the documents along with his reply to the Show Cause Notice before the competent authority on or before on Friday i.e. 16/08/2024.

9. The competent authority shall decide the Show Cause Notice dated 23/07/2024 within a period of two weeks thereafter and if required by giving an opportunity of hearing to the Petitioner.
10. With these observations, the petition stands disposed of.
11. It is made clear that this Court has not gone into the merits with regard to the Show Cause notice or the documents placed by the Petitioner to show that he has got all permissions.
12. Competent authority to examine the issue and decide the Show Cause Notice as observed above.
13. The parties to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.