

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.375 OF 2023

WITH

WRIT PETITION NO.347 OF 2024

MISC.CIVIL APPLICATION NO.375 OF 2023

IN

WRIT PETITION NO.347 OF 2024

M/S PRIORITY CONSTRUCTIONS, THR.
ITS PARTNER SWAPNEEL PRABHU ULHAS
NACHINOLCAR

... APPLICANT

Versus

THE STATE OF GOA THR. ITS CHIEF
SECRETARY AND 3 ORS

... RESPONDENTS

WITH

WRIT PETITION NO.347 OF 2024

SMITA KRISHNA NAIK

... PETITIONER

Versus

THE STATE OF GOA THR. ITS CHIEF
SECRETARY AND 3 ORS

... RESPONDENTS

Mr. Shivan Desai, Advocate (through VC) with Ms. Maria Viegas
and Mr. A. Sardessai, Advocates for the Applicant.

Mr. Nigel Da Costa Frias, Advocate with Mr. Shane Coutinho,
Advocate for Petitioner in WP No. 347 of 2024.

Mr. D. Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for Respondent no.1-State.

Mr. Somnath Karpe, Advocate with Mr. Anand Shirodkar, Advocate
for Respondent no.3.

Mr. Deep Shirodkar, Advocate for Respondent no.5.

**CORAM:- M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED :- 20th December, 2024

P.C.

Shri Desai, learned Counsel on behalf of the respondent no.4, has

requested for modification of the Order dated 18.04.2023. Accordingly, after hearing the parties, we deem it appropriate to pass the following order :

O R D E R

(i) As per the interim Order dated 18.04.2023, the applicant (Original respondent no.4 in the petition) was to undertake the construction on the plot in question on the premise that the site is zoned as S1.

(ii) Thereafter, the applicant has applied for modification of the Order dated 18.04.2023 vide this present application.

(iii) The applicant has filed an affidavit dated 12.12.2024 indicating the construction done on site in terms of the Order dated 18.04.2023. The applicant will be entitled to apply for a completion certificate and occupancy certificate for the said construction.

(iv) The grant of completion certificate and occupancy certificate will be subject to further orders that may be passed in this petition.

(v) The applicant is permitted to undertake further construction in terms of the approved plans which will be subject to the outcome of this petition and at its own risk without claiming any equities.

(vi) No completion order or occupancy certificate will be granted for the construction which is undertaken hereafter (beyond what is permissible in S1 Zone) without leave of this Hon'ble Court.

(vii) All contentions of the parties are left open to be decided on merits.

2. The parties may apply for a fixed date for final hearing.

3. Misc. Civil Application is disposed of.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.