



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.390 OF 2024

IN

PUBLIC INTEREST LITIGATION (SUO MOTU) NO.2 OF 2022

ANURAG ANDRADE

... APPLICANT

Versus

**STATE OF GOA, THR. THE CHIEF
SECRETARY AND 3 ORS**

... RESPONDENTS

Mr Daniel Andrade, Advocate for the Applicant.

Mr Deep Shirodkar, Additional Government Advocate for
Respondents - State.

Mr A. Gosavi, Amicus Curiae with Mr G. Kerkar, Advocate.

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

DATED :- 12th November, 2024

P.C.:

The learned counsel for the applicant submits that the premises which are partly used for commercial purposes may be de-sealed. According to him, the applicant has all the necessary permissions as the structure in question was constructed 45 years ago and, in any case, before 1991 i.e. 19.02.1991, which is the datum line in terms of CRZ notification. The learned counsel for the applicant submits that in the year 1979, the suit was filed in the Civil Court for restoration which supports the petitioner's case.

2. Mr Shirodkar, learned Additional Government Advocate as well as Mr Gosavi, learned Amicus Curiae pointed out that orders of

demolition were issued by the GCZMA on 24.12.2022 and also by the Panchayat in respect of the structures. It is therefore submitted that it is for the applicant to challenge the demolition orders issued by the GCZMA and Panchayat and without challenging such demolition orders, during the subsistence of the demolition orders, the present application cannot be entertained.

3. Though several contentions have been raised by the learned counsel for the applicant that such demolition orders are illegal as barred by res judicata, we find that without laying a challenge to the orders of demolition, it may be difficult to entertain the application. Accordingly, the learned counsel for the applicant seeks leave to withdraw the application with the liberty to file appropriate proceedings to challenge the demolition orders and seek appropriate relief including the relief which is prayed for in this application. We make it clear that we have not examined the merits of the application. All contentions are kept open including the contentions which the applicant may raise while challenging demolition orders passed by the GCZMA as well as the Panchayat in appropriate proceedings. By granting this liberty, we dispose of the application.

4. Accordingly, Misc. Civil Application stands disposed of.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.