

Sonam

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.27 OF 2023

IN

WRIT PETITION NO.243 OF 2023

RAPHAEL DOMNIC PHILIP

PATRICIO

... PETITIONER

Versus

PUNEET KUMAR GOEL

AND 3 ORS

... RESPONDENTS

WITH

MISC. CIVIL APPL. NO. 85 OF 2024

MANORAMA SALGAONKAR ... APPLICANT

Versus

RAPHAEL DOMNIC PHILIP

PATRICIO AND 3 ORS

... RESPONDENTS

Ms Simran S. Khadilkar, Advocate for the Petitioner.

Ms Maria Correia, Additional Government Advocate for Respondent Nos.1 and 2 in CP No. 27/2023.

Mr A. Sardessai and Mr Omkar Parab holding for Mr J. Ramaiya, Advocates for Respondent No.4 in CP No. 27/2023.

CORAM:- M. S. SONAK &

VALMIKI SA MENEZES, JJ.

DATED :- 6th March, 2024.

P.C.:

1. Heard Ms Khadilkar, learned counsel for the Petitioner, Ms Correia, learned Additional Government Advocate for State and Mr Sardessai, learned counsel for the Respondent No. 4 (Cotemnor).

2. Ms Khadilkar, based on the instructions, states that the demolition is complete and even the debri has been cleared. Earlier, we had directed 4th Respondent to deposit Rs. 2.5 Lakhs as tentative costs for the demolition.

3. Ms Maria Correia states that the total demolition costs are in the range of Rs. 8 Lakhs.

4. Mr Sardessai submits that an amount of Rs. 1.50 Lakhs is deposited in the Court and despite best efforts the 4th Respondent was not in a position to deposit the balance amount. Therefore, the application is made for extension.

5. Now that the Respondent No. 4s' structure has been completely demolition and even the debri has been cleared by the 4th Respondent, we discharge the contempt notice and close this Contempt Petition.

6. The State is permitted to withdraw the amount of ~~Rs. 1.50 Lakhs~~ **Rs. 1,00,000/-** deposited by the 4th Respondent in this Court, without the necessity of filing a separate application. Ms Correia states that a cheque can be drawn

Correction
carried out as
per order dated
20.03.2024
Sd/-

for paying this amount to the Executive Engineer, Work Division XIII, PWD, Mapusa, Goa. The Registry to do this within a week from today. So far as the balance amount is concerned, the 4th Respondent disputed the amount now stated by Ms Correia. Accordingly, we leave it open to the State to recover this amount as arrears of revenue land. All contentions of all parties in this regard are kept open.

7. Accordingly, there is no necessity to pass the orders in the Miscellaneous Application seeking an extension of time.

8. The Contempt Application and Miscellaneous Civil Application No. 85/2024 are disposed of.

VALMIKI SA MENEZES, J. M. S. SONAK, J.