

Sonam

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.250 OF 2024

VIJAY R. SALGAONKAR AND 3 ORS

... PETITIONERS

Versus

STATE OF GOA THROUGH ITS CHIEF
SECRETARY AND 4 ORS

... RESPONDENTS

Mr Dhaval Zaveri with Mr Nehal Hanumant Govekar, Advocates for
Petitioners.

Ms Akshata Bhat, Additional Government Advocate for the
Respondent-State.

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

DATED :- 11th March, 2024

P.C.:

1. Heard Mr Zaveri, learned counsel for the the Petitioners and Ms Bhat, learned Additional Government Advocate for Respondent Nos. 3 and 4.

2. Mr Zaveri submits that the limited grievance of the Petitioner is that the Deputy Town Planner (R3) had issued show-cause notices dated 21/03/2023 and 08/09/2023 to the 5th Respondent, but till date, the show-cause notices are not disposed of. He states on instructions that the Petitioner would be satisfied if directions are issued to the 3rd Respondent to dispose of the show-cause notice in accordance with

law.

3. Considering the limited relief that is now pressed, we do not think that notice is necessary to 5th Respondent, because the 5th Respondent would be heard by the 3rd Respondent before disposing of the show-cause notice.

4. From the records, we find that 5th Respondent has already filed the reply to the show-cause notice. Accordingly, the Deputy Town Planner is directed to dispose of the above two show-cause notices as expeditiously as possible and in any case within 4 weeks from today after due compliance with principles of natural justice and fair play. The show-cause notice must be disposed of in accordance with law and on their own merits. The decision on the show-cause notice must be communicated to the 5th Respondent within 4 weeks from today.

5. Since we have not examined the merits of the allegations, all contentions of all parties are left open to be decided by the Deputy Town Planner while disposing of show-cause notices.

6. In the peculiar facts of the present case, the Deputy Town Planner must give an opportunity of hearing to the Petitioner as well as the 5th Respondent. The Petitioner and the 5th Respondent must consider whether they should file written submissions instead of insisting upon an oral hearing in the matter.

7. Mr Zaveri states that an authenticated copy of this order would be served upon the 5th Respondent along with a copy of the petition. Mr Zaveri states that this would be done within this week.

8. This petition is disposed of with the above directions with no order as to costs. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.