

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.774/2023
WITH
MISC. CIVIL APPLICATION NO. 2955/2023(F)

EMMELI ELIZABETH MENDES. ... PETITIONER.

Versus

THE COMUNIDADE OF PILERNE
THR. THE PRESIDENT AND ORS. ... RESPONDENTS

Mr A.F. Diniz, Senior Advocate with Mr Terence Anthony Vaz,
Advocate for the Petitioner.

Mr Neelesh Takkekar, Advocate for Respondent No.1.

Mr D.J. Pangam, Advocate General with Mr Shivdatt P. Munj,
Addl. Govt. Advocate for Respondents No. 2, 3 and 5.

Mr Yogesh Nadkarni, with Ms Simran S. Khadilkar, Advocate for
Respondent No.4.

CORAM : M.S. SONAK &
VALMIKI MENEZES, JJ.

DATED : 16th April 2024.

P.C.:

1. Heard Mr A.F. Diniz, learned Senior Advocate who appears along with Mr Terence Vaz for the Petitioner, Mr Takkekar for Respondent No.1, learned Advocate General who appears with Mr S.P. Munj, Addl. Govt. Advocate for

Respondents No.2, 3 and 5 and Mr Yogesh Nadkarni for the Fourth Respondent.

2. Arguable issues are raised. Hence **Rule.**

3. The Petitioner in this case applied for the plot in question in the year 2006. The Petitioner claims that her file for allotment, after the same reached at an advanced stage, was closed by the Comunidade without following the necessary procedure, in 2012 or thereabouts.

4. The Comunidade and the Fourth Respondent defended the action of closer of the Petitioner's file. They point out that despite intimation to the Petitioner, the Petitioner took no steps to process the file for allotment.

5. Mr Nadkarni, the learned Counsel for the Fourth Respondent, submits that after the file was closed, a fresh process commenced and the Government then allotted the plot in question to the Fourth Respondent on 7/12/2021. He points out that the Fourth Respondent is paying a *foro* of ₹ 20,000/- per year towards the allotment of the plot, which admeasures 400 sq. metres and is located at Pilerne, Bardez, Goa.

6. Mr Diniz points out that as late as 2018, the Petitioner's file progressed and the allotment in favour of the Petitioner was even

approved by the Government. He refers to a document dated 15/1/2018 at page 306 of the Paper Book. Mr Nadkarni states that the Fourth Respondent has recently acquired an information that even this approval was revoked by the Government. Mr Diniz states that the Petitioner has received no communication whatsoever regarding revocation nor has the Petitioner received any notice before such revocation was allegedly effected.

7. Considering the above circumstances and the fact that the Fourth Respondent is paying only an amount of ₹20,000/- per year towards the Comunidade plot admeasuring 400 sq. metres, situated in Pilerne, it is only proper that the status of such a plot is not altered by the Fourth Respondent by putting up any construction thereon.

8. Accordingly, until disposal of this Petition, we restrain the Fourth Respondent from putting up any construction on the plot in question. A complete status quo will have to be maintained by the Comunidade, as well as the Fourth Respondent, in so far as Plot No.4 in Survey No.57/1 of Pilerne, Bardez, Goa, is concerned.

9. If, any of the Respondents wish to file any further pleadings, they should do so within six weeks from today. If the Petitioner wishes to file a rejoinder, she should do so within two

weeks from receipt of the responses. Once the pleadings are complete, liberty is granted to the Fourth Respondent to apply for a peremptory date for final disposal of this Petition.

VALMIKI MENEZES, J.

M.S. SONAK, J.

SANTOSH
SHRIDHAR
MHAMAL

Digitally signed by
SANTOSH SHRIDHAR
MHAMAL
Date: 2024.04.17 10:58:29
+05'30'