



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.391 OF 2024

SARVESH RAGHUNATH SAWANT ... PETITIONER
Versus
STATE OF GOA THR. CHIEF SECRETARY
CHIEF SECRETARY AND 6 ORS. ... RESPONDENT

Mr. Gaurish Malik, Advocate for the Petitioner.

Mr. Amogh Arlekar, Additional Government Advocate for the
Respondent Nos. 1, 2, 3, 4 and 5.

Mr. Sudesh Usgaonkar, Senior Advocate with Ms. Rosette Pereira,
Advocate for Respondent No.7.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 03rd April, 2025

P.C.

1. Learned Senior Counsel Mr. Usgaonkar has placed on
record an affidavit affirmed by respondent no.7-Mr. Santosh
Sawant on 03.04.2025, wherein he has categorically deposed as
under:-

*5. I say that upon the Petitioner's complaint to the
Respondent No.2, the inquiry was conducted
through the Office of the Mamlatdar and Field
Surveyor attached to the office of mamlatdar who*

conducted inspection on 13/06/2024 in which it was found that the access claimed by the Petitioner is open and clear without any blockades. I say that the inspection report and the sketch prepared by the Field Surveyor clearly demonstrates the aforesaid which I seek leave to rely upon as and when produced. Therefore, the allegation at para 7 of the Petition is unfounded.

6. I say that the old houses existing in Survey No. 154/2, including that of the Petitioner, were not with reference to any plot boundaries within the survey holding. I say that the Petitioner and this Respondent have erected their respective structures in the same manner without prior permission.

7. I say that the Petitioner has demolished the old house and constructed a new house in a different part of the property in Survey No. 154/2 without obtaining any permission from any authority. That in the part of the property where the old house stood before, the Petitioner has now converted the

said part of the property into a garden.

8. I say that the Petitioner filed before this Hon'ble Court as well as the conduct of the Petitioner is not bonafide. As such action should be taken by the concerned Authorities against the illegal construction of the Petitioner.

2. The affidavit is taken on record.

3. In addition, the Deputy Collector of Bicholim Taluka, the respondent no. 2 has also tendered an affidavit, stating that the Mamlatdar of Bicholim has issued a show cause notice on 03/07/2024 to Respondent no. 7 under Section 33 of the Goa Land Revenue Code, 1968 and the proceedings are ongoing.

4. The learned Additional Government Advocate representing the Authority makes a categorical statement that the proceedings of the show cause notice shall be concluded within a period of three months.

5. In the wake of the aforesaid, the grievance raised by learned counsel for the petitioner for taking action against respondent no. 7, for the illegal construction stands redressed for

the time being, and by reserving the liberty of the petitioner to approach this Court in case any of the grievance subsists, the petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.