



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.168 OF 2023

MR. RAJESH DATTA SHIRODKAR

Around 50 years of age, Indian

National, Businessman by

occupation,

Pan No. APHPS1039M

Resident of Vircincar Classic, VC-I, ... **PETITIONER**

Layamati, Davorlim, Salcete, Goa

VERSUS

1 STATE OF GOA

through its Chief Secretary,

having office at Secretariat,

Porvorim, Goa.

**2 SOUTH GOA PLANNING AND
DEVELOPMENT AUTHORITY**

Through its Member Secretary,

Margao, Salcete – Goa

**3 DEPUTY COLLECTOR & IN-
CHARGE DEMOLITION SQUAD,
SUB-DIVISION, MARGAO, GOA**
Office of the Deputy Collector & SDO,
Margao, Goa
Margao, Goa

4 MR. MARIO DIAS

Near Hindu Crematorium, Pajifond,

Margao - Goa

... **RESPONDENTS**

Mr. Shivan Desai with Ms. Riya Amonkar, Advocates for the
Petitioner.

Mr. Manish Salkar, Government Advocate for Respondent – State.

CORAM:- VALMIKI MENEZES, J.

DATED :- 17th July, 2025

ORAL JUDGMENT :

1. Heard learned Counsel for the parties.
2. Rule. Rule made returnable forthwith. With the consent of the parties, this petition is disposed of finally.
3. This is a petition which takes exception to the order dated 09.02.2015, a notice under Section 52 of the Town and Country Planning Act, 1974, served on the Petitioner by the South Goa Planning and Development Authority. Apart from the other contentions raised in the petition, the main contention is that the Petitioner was never served with any notice of hearing of Show Cause Notice dated 19.09.2014 issued to him, alleging that he has illegally constructed certain extensions and additional floor to a building standing on property in Chalta No.167 to 172 of PT Sheet No.230 of City Survey Margao.
4. Though this contention has been denied by the Respondent No.2 in its affidavit, the fact remains that there is no proof of service of any notice on the Petitioner, produced to notify any hearing before the SGPDA, before the impugned order is passed. The impugned order directs demolition/removal of the alleged illegal structures detailed in the said order. The order does not refer to any notice served for hearing or even an opportunity given to the Petitioner of being heard before the impugned order was passed. Considering this

fact, the impugned order dated 09.02.2015 is quashed and set aside. The Respondent No.2- SGPDA is now directed to hear the Show Cause Notice dated 19.09.2014 afresh after giving the Complainant and the Petitioner herein a fresh notice at the registered addresses of the parties. The Petitioner confirms that the address given in the cause title is his correct address. In addition the Petitioner will be served by the Member Secretary of the SGPDA through a notice on his e-mail which is rajeshshirodkar22@gmail.com. A notice through e-mail would also suffice for carrying out the hearing of the Show Cause Notice.

5. In the event, the parties wish to file additional reply/pleadings, the Member Secretary SGPDA shall permit them to do so, considering that the Show Cause Notice relates back to the year 2015.
6. Rule is made absolute in the above terms.
7. Writ Petition stands disposed of.

VALMIKI MENEZES, J.