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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.84 OF 2025

MARGARET FERNANDES

... PETITIONER

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS.,

... RESPONDENTS

Ms. R. Ballari, Advocate for the Petitioner.

Mr. Amogh Arlekar, Additional Government Advocate for
Respondent Nos.1 to 4.

Mr. Arjun Naik, Advocate for Respondent No.5.

Mr. Vishwadh Sardessai, Advocate for Respondent No.6.

CORAM:- VALMIKI MENEZES, J.

DATED :- 17th September, 2025

P.C.:

1. The submissions made in this matter are two-fold. The first is that the DOP, when granting an ex-parte order of stay, has not provided any reasons whatsoever to substantiate the grant of an interim relief. The second reason being that even otherwise, the structure cannot be regularized since the report of the Town Planner dated 05.06.2018, which is at Exhibit 'K' of the petition, has opined that the setback for the construction is inadequate and has further opined that the plot dimensions, arrangements and accessibility are also inadequate.

2. It has time and again been brought to the notice of the concerned

Director of Panchayats that where ex-parte orders of stay are granted, the DOPs are required to specify reasons to justify the grant of stay of such orders. The order impugned herein has not even a semblance of a reason or reference to any of the documents to justify grant of the order of stay.

3. Be that as it may, the learned Additional Government Advocate appearing for the DOP today makes a statement that the case has been listed on 30.09.2025, on which date, as assured by the Advocates appearing for the contesting parties, arguments could be advanced, and thereafter, the DOP shall dispose of the matter preferably by 21.11.2025. The DOP shall consider the report of the Town Planner and the fact that the Appellant before it does not possess any construction licence or technical clearances from the Town Planning Department prior to completion of the construction which is subject matter of the demolition notice.

4. The petition is disposed of with the above directions.

5. All contentions raised by the parties shall be considered by the DOP.

VALMIKI MENEZES, J.