



Niti

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.528 OF 2024

AGNES COLACO

... PETITIONER

Versus

MEMBER SECRETARY, OFFICE OF THE
STP, TOWN AND COUNTRY PLANNING
DEPT. SOUTH GOA AND 2 ORS

... RESPONDENTS

Mr E. O. Mendes, Advocate for the Petitioner (through V.C.).

Mr Prashil Arolkar, Additional Government Advocate for
Respondent No. 1.

Mr T.V. Paul, Advocate for Respondent No.2.

Mr Nigel Da Costa Frias with Mr Vineet Surlekar, Advocate for
Respondent No.4.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED :- 15th September, 2025

ORAL ORDER : (Per Bharati Dangre, J.)

The petitioner, having a house in Survey No.25/18, is constrained to approach this Court as, according to him, respondent no.3, the owner of Survey No.25/17-C, has obtained the technical clearance from the Town Planner and construction licence from the Panchayat for the proposed construction of compound wall (part) as per the enclosed approved plans in the property zoned as Settlement Zone in Regional Plan for Goa 2021 situated in plot no.25 sub-division No.17-C of Seraulim Village, Salcete Taluka. The said order permit a

wall to be constructed after leaving the road widening area as shown in the plan and it also includes several other conditions. The construction licence dated 16.06.2023, also stipulate several other conditions and also expect him to follow the conditions stipulated in the technical clearance order dated 06.06.2023 passed by the TCP.

The petitioner claimed that he had a traditional access from his plot leading him to the main road, and for this purpose, it is not in dispute that the proceedings are pending before the Civil Court. Today, learned counsel for the petitioner do not dispute the fact that respondent no.3 has permitted him an access through the Northern side of his plot and he has no grievance in this regard but his difficulty is this access is not indicated in the approved plan as produced by respondent no.1.

There is no denial to this statement that the petitioner is provided access from plot no.25/17-C to the main road and the only grievance which we can perceive is this access not being shown in the plan approved by the Town Planning Department as well as the Panchayat.

2. We have a solution to this conundrum. As suggested by the learned Additional Government Advocate, the Deputy Town Planner, TCP Department, Margao, Goa, shall visit the site, in the presence of the petitioner/his representative and the respondent or his representative, clearly demarcate the area which is presently made available to the petitioner in form of an access passing through Survey No.25/17-C. He shall mark that area, carry out its measurement and

prepare a report, which shall be furnished to the Town Planner within a period of 15 days and upon carrying out such exercise, he shall indicate this in the plan approved for the purpose of issuing the technical clearance by the TCP Department and the construction licence issued by the Village Panchayat. We expect the inspection to be carried out within a period of two weeks and the necessary correction to be carried out in the approved plan by the Deputy Director, Town Planning, within a period of six weeks thereafter.

3. In the wake of the aforesaid solution emerging, the Writ Petition is disposed of. The copy of the corrected plan shall be forthwith given to all the parties and shall be forwarded to the Panchayat.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.