



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.424 OF 2024

NILESH GAJANAN CHARI

... PETITIONER

Versus

THE STATE OF GOA THR. ITS

CHIEF SECRETARY AND 63 ORS.

... RESPONDENT

Mr. Kaif Noorani, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. Neehal Vernekar
Additional Government Advocate for the Respondent Nos. 1, 12,
13 and 14.

Mr. Nikhil Pai and Mr. Anant Negi, Advocates for Respondent
No.2

Mr. Kher Simoes, Advocate for Respondent Nos. 15 to 64.

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

DATED :- 02nd April, 2025

P.C.

1. The grievance of petitioner is about the inaction on the part of the State Authorities, as well as the Village Panchayat in not taking action against the illegal structures erected under the 20 point program guidelines. The petitioner while addressing various communications to the respondents clearly pointed out that houses are constructed in excess of the permissible limit of construction

and they are sold/rented out for commercial purpose, which is not a permissible use of the premises.

Several complaints preferred in the form of complaint/objection form part of the petition.

However, since no positive action was taken against the said structures, the petitioner approached this Court seeking issuance of writ of mandamus against respondent nos. 1, 2, 12, 13 and 14 to take action for the alleged illegalities in implementation of the 20 point programme in Socorro Village, Porvorim, Bardez-Goa. He has also prayed for cancellation of allotment of the plots, where such construction is carried out and also cancellation of the trade licenses, permitting the commercial activity to be run in these structures. A direction is also sought against respondent nos. 15 to 64 to demolish the constructions, which are in violation of the permission granted or violate the basic tenet of 20 point programme which was meant for housing the Low-Income Group.

2. Responding to the aforesaid petition, the Deputy Collector/SDM of Bardez Taluka has filed an affidavit wherein it is categorically stated that the 20 point programme, contemplated land admeasuring 100 sq.mts. to be provided to the eligible persons

for construction of houses and also that in case the allottee has constructed house beyond 100 sq.mts. then the same may be regularised up to the extent of 50 sq.mts., on payment of fine. The scheme also contemplated that if any person other than legal occupant to whom the land was allotted, is found to be occupying the land, then he shall be summarily evicted and the land would be resumed by the State Government.

The Deponent of affidavit, has referred to two reports of the joint site inspection, the first one prepared by the Inspector of Survey and Land Records, Mapusa-Goa, demarcating the location of houses, qua the original plots as seen in the plan prepared in the year 1971. The second report is of the Mamlatdar of Bardez Taluka dated 08/10/2024, prepared by the Talathi of Socorro Panchayat providing necessary details.

A categorical statement is made in the affidavit, on the basis of the said two reports that against the 31 allotments that were originally granted under the 20 point programme scheme, a total of 67 structures exist on survey no. 12/1 of village Socorro and 9 plots are occupied by the families of the original allottee. However, the remaining plots and structures do not align with the records of

allotment, raising a question about they being in an unauthorised occupation of the said premises.

3. In the petition, an affidavit is also filed on behalf of respondent no. 2, i.e. the Secretary of the Village Panchayat of Socorro, wherein it is categorically stated that respondent has initiated action against all the erring persons by issuing site inspection notices and the process of carrying out site inspection, including Panchama and site sketch will be completed in a phase manner and pursuant thereto, show cause notices shall be issued, which would be taken to its culmination, within a period of six months after the completion of site inspection.

4. From reading of the affidavits and hearing respective counsels, one thing is evidently clear, that the 20 point programme, though well intended has been misused in Socorro village, Bardez-Goa as there are multiple encroachers or as indicated the constructions carried out are more than the permissible limits and in some cases requisite permissions are also not sought.

5. At this juncture, the learned Advocate General makes a statement that the State is cognizant of misuse of the

implementation of the 20 point programme scheme in Socorro village and therefore, it shall direct an inquiry to be conducted by the Deputy Collector of Bardez Taluka, who after adhering to principles of natural justice and carrying out appropriate site inspection/surveys and on inspection of the necessary records, shall take action against those who are not covered within the said programme and also against the structures which are not compliant.

The learned Advocate General also submits that since the issue is pertaining to residential accommodation and people are occupying the premises, the authorities will have to tread carefully and for completion of the entire procedure, the authorities will be granted, longer time.

6. In the wake of the aforesaid statement made by the learned Advocate General, which we accept on record, we direct the Deputy Collector of Bardez-Goa, to act as an officer for ascertaining the implementation of the 20 point programme in Socorro Bardez, who shall complete his enquiry and forward his report to the Collector, North Goa, within a period of six months, followed by an appropriate action by the Government against the erring persons.

7. Needless to say that if the provision exists for regularisation of the structures, the Government shall not hesitate in permitting its regularisation.

8. With the above directions, the writ petition is disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.