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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.240 OF 2025

PRASHANT N. PRABHU

... PETITIONER

Versus

MUNICIPAL COUNCIL CANACONA, CHIEF
MUNICIPAL OFFICER AND 3 ORS

... RESPONDENTS

Mr. Sahil Sardesai, Advocate for the Petitioner.

CORAM:- VALMIKI MENEZES, J.

DATED :- 30th June, 2025

P.C.:

1. Registry to waive objections and register the matter.
2. The petition impugns Judgment dated 27.02.2025 of the Goa Municipal Appellate Tribunal passed in Municipal Appeal No. 16/2022, whereby the Tribunal has dismissed Petitioner's Appeal against order dated 03.03.2022 passed by the Directorate of Municipal Administration (DMA) which is an Appellate order upholding an order of demolition dated 03.03.2022 of the Chief Officer of the Canacona Municipal Council.
3. The genesis of this matter is found in the Show cause Notice dated 13.03.2015, issued by the Chief Officer of Municipal Council, alleging that the Petitioner had constructed an extension to a building

for his occupation without requisite permissions or Building licences under Section 184 of the Goa Municipalities Act. Along with the Show cause Notice, a document of a transgression in the form of a report was annexed detailing the nature of the illegal construction and its extent.

4. In reply to the notice, it was the Petitioner's case that he had obtained a repair licence of one building on 21.08.2024, pursuant to which the structure was repaired, and it is the said repaired portion that is now sought to be demolished under the said Show cause Notice. It is the Petitioner's contention that the structure, which is the subject matter of the Show cause Notice, is now considered to be an illegal construction, considering that the repair work carried out in the structure was pursuant to a valid repair licence.

5. The Chief Officer on hearing the Petitioner, directed the recall of the Show cause Notice accepting the Petitioner's Appeal. In Appeal, the DMA has considered the repair licence and concluded that the same has been revoked by the Municipal Authority. The DMA has also considered that the licence of the structure which is a subject matter of the Transgression Report is different from the structure which was permitted to be repaired, which is now being sought to be passed off as the one under the repair licence. There was no licence issued for the construction under the Show cause Notice. The Appeal was allowed, which was carried further by the Petitioner in Second Appeal before the Municipal Tribunal, which has confirmed its

findings in its Judgment, specifically at paragraph Nos. 16 and 17 thereof.

6. The Municipal Tribunal considered the reply to the Show cause Notice filed by the Petitioner and the stand taken therein that the structure was erected pursuant to the repair licence. The Appellate Tribunal has noted that the Petitioner has not produced any report of an expert to show that the building was either in a dangerous condition or to co-relate the repair permission granted with the actual work carried out at loco. It was opined that the structure which is a part of the Transgression Report, is totally different from the structure which was repaired pursuant to the repair licence and confirms factual findings arrived at by the DMA in the Appeal. These are concurrent findings of the fact arrived at by two Courts. After considering the record and the impugned orders of the two Courts i.e. DMA and the Municipal Tribunal, no fault can be found with findings rendered therein. Both Courts have considered the repair licence and found that the area under repairs is totally independent and different from the structure, which is the subject matter of the Show cause Notice and Transgression Report. Both Courts have concluded that this was new construction without any licence issued under Section 184 of the Municipalities Act.

7. In that view of the matter, there being concurrent findings of fact which are based on the record, these findings cannot be termed as

perverse and the same are therefore confirmed.

8. There is no case made out for the interference of this Court with the orders of Appellate Court dated 27.02.2025 and the DMA dated 03.03.2022. This case does not call for any interference in the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

9. Needless to state that the Canacona Municipal Council is directed to carry out the demolition of the illegal structure under Show cause notice dated 13.03.2015 in Survey No. 60/5 of the village Chaudi, Canacona, within a period of 15 days of this order.

10. The petition stands rejected.

11. Registry to issue a Writ of this order to the Chief Officer, Canacona Municipal Council, for compliance

VALMIKI MENEZES, J.