



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.331 OF 2025

ALEX SABASTIAN PAUL
FERNANDES ALIAS
ALEXIO SABESTIAO PAULO
FERNANDES AND ANR.

... Petitioners.

Versus

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

... Respondents.

Mr. Abhijit Gosavi with Mr. Gaurang Kerkar, Advocates for the
Petitioners.

Ms. Akshata Bhat, Additional Government Advocate for
Respondent Nos.1, 2, 3 and 4.

Ms. Pranita Gawandi, Advocate for Respondent No.5.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. Sagar
Rivankar, Mr. J. Volvoikar and Mr. Vinod Korgaonkar,
Advocates for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 13th August, 2025

P.C:

1. Registry to waive office objections and register the matter.
2. This petition takes exception to an order dated 19.02.2025 passed by the Town Planner whereby technical clearance dated 20.08.2024 granted to the Petitioners for construction of a residential

house has been revoked. The order of the Appellate Forum (Town and Planning Board) dated 02.05.2025 has also been impugned; the Board has rejected the Appeal without assigning any reasons for such rejection.

3. The petition is opposed by learned Senior Advocate Mr. J.E. Coelho Pereira for the original Complainant who claims that notice dated 18.12.2024 was in fact issued to the Petitioners calling upon them to reply to the complaint of the Respondent No.1. It is his submission that the reply was in fact filed and, therefore, the principles of natural justice have been adhered to by the Town Planner by revoking the technical approval.

4. On perusing the record, it is evident that a notice was issued to the Petitioners only calling upon them to file reply to the complaint received by the Town Planner. However, there is no show-cause notice issued to the Petitioners alleging the ground on which the Town Planner proposed to recall the order of technical approval. There was also no hearing given to either of the parties prior to passing of the impugned order. On this count, therefore, the impugned order revoking the technical approval would have to be set aside. Consequently, the order of the Board in appeal, which is cryptic and without any reasons, would also have to be set aside.

5. For reasons stated above, the impugned orders dated 19.02.2025 and 02.05.2025 are quashed and set aside. The Deputy

Town Planner, Mapusa, shall hear the matter afresh and dispose of the complaint made by the Respondent No.1 in accordance with law. Considering that the controversy involved in the complaint made before the Deputy Town Planner is now known to the Petitioners, there would be no need of issuing a show-cause notice, but, however, the parties shall be given a personal hearing. It is also made clear that no further pleadings or replies shall be placed before the Town Planner in the process of disposing of the complaint of the Respondent No.6. All parties agree that they would appear before the Town Planner on 19.08.2025 at 3:30 p.m. on which date or any subsequent date that may be fixed by the Deputy Town Planner by consent of the parties, the matter would be heard and finally disposed of. The Town Planner to endeavour to dispose of the complaint by 30.09.2025.

6. Petition stands disposed of.

VALMIKI MENEZES, J.