



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 587 OF 2024

WITH

MISC. CIVIL APPLICATION NO. 392 OF 2025 (F)

IN

WRIT PETITION NO. 587 OF 2024

WRIT PETITION NO. 587 OF 2024

EGIDIO FLORENCIO DIAS

THR. POA, FATIMA A. DIAS AND ANR.

...PETITIONER

VERSUS

THE STATE OF GOA,

THR. CHIEF SECRETARY

AND 4 ORS.

...RESPONDENTS

WITH

MISC. CIVIL APPLICATION NO. 392 OF 2025 (F)

IN

WRIT PETITION NO. 587 OF 2024

LUCILIA DA CUNHA AND 2 ORS.

...APPLICANT

VERSUS

EGIDIO FLORENCIO DIAS

THR. POA, FATIMA A. DIAS AND ANR.

...RESPONDENT

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Ms. Akshata Bhat, Additional Government Advocate for
Respondent Nos. 1 to 3.

Mr. Hanumant D. Naik, Advocate for Respondent No. 3.

Mr. Vilas Thali, Mr. Nikhil Angle and Mr. Rasik Borkar, Advocates
for Respondent No. 4.

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

DATED :- 12th June, 2025

P.C.

1. In the background of the order dated 07/06/2022 in the earlier petition instituted by the petitioner bearing Writ Petition No.179/2022, the NGPDA on 12/01/2023 took a decision in its 84th meeting held on 26/09/2022 and since it formed an opinion that the party has indeed indulged in filling of low lying land, which has been developed as a road, as a compliance of condition no. 21 in the Development Permission dated 19/02/2020, it expressed a clear opinion that this is not acceptable, since the area was a low lying land which has been filled without prior permission as required under Section 17-A of the Town and Country Planning Act, 1974. The Authority also considered the submission regarding deletion of condition no. 21, which was introduced with an object that the residents of the backside of the property should not suffer on account of lack of proper access road.

Concluding that the road is being developed as per the condition imposed by the Authority and in view of the larger interest of the residents of the backside property, it was directed that respondent nos. 4 and 5 should apply for permission of the

Chief Town Planner as per law and only thereafter, the road be developed after obtaining consent of the owners of the land wherein the said access road is passing.

2. This order is subject matter of the present petition, as the petitioner seeks relief of quashing and setting aside of the said order, and take appropriation to remove the illegal agricultural land bearing Chalta No. 2/1 and 3/1 in P.T. Sheet No. 143 of Taleigao Village and to restore the said agricultural land to its original state.

3. Our attention is invited to a communication dated 05/05/2023 issued by the NGPDA, wherein a decision is taken to delete condition no. 21 of the Development Permission granted by the erstwhile Greater Panaji Planning and Development Authority for redevelopment of the plot and it issued a direction to respondent nos. 4 and 5 to remove the debris/mud dumped in low lying land, earmarked for proposed 8.00 mts wide road, within two months and to give access for people residing behind the Adarsh Co-operative Housing Society Ltd., through an access passing through the said colony.

4. We have perused clause no. 21 of the order dated 19/02/2020, in form of Development Permission under Section 44 of the Town and Country Planning Act, 1974 and this condition, reads thus:- “Proposed road of 8.00 mts wide road as shown in the ODP-2028 of Taleigao Planning Area shall be constructed as per the CPWD specifications within 1 year from the date of construction Licence and the CCP shall give the proposed road alignment.”

5. The aforesaid being one of the condition of the Development Permission, since now the NGPDA has withdrawn the said condition, according to us, the grievance of the petitioner stands satiated, as the requirement of construction of a road is done away with.

In our order dated 08/05/2025, we have specifically taken note of communication addressed by the NGPDA to the respondent nos. 4 and 5, directing them to remove debris/mud dumped in low lying land within a period of one week, clearly indicating that if they fail to do so, appropriate action would be taken which would include revocation of the entire development permission as well as

the completion certificate.

6. The learned counsel, Mr. Thali, who represents respondent nos. 4 and 5 make a categorical statement that they have removed the debris/mud and the work is completed to the tune of 90%, however 10% work is remaining. However, this statement is disputed by learned counsel, Mr. Frias, representing the petitioners by submitting that only a small portion of the debris has been cleared.

However, learned counsel Mr. Thali, on instructions, make a statement that the debris would be removed within a period of three weeks from today and upon removal of the same, the land shall be restored to its original position as an agricultural land.

In any case, in wake of our directions, we expect the removal of debris in entirety and the NGPDA shall carry out an inspection after three weeks to ensure that the debris/filling is removed.

7. As far as the counsel for Intervenor who has filed MCA No.392/2025, has expressed that the condition of construction of the 8.00 mts wide road as originally contained in the Development Permission, should be restored. It is worth to note that since the

NGPDA has already taken decision directing the respondent nos. 4 and 5 to remove the debris/filling, which was being put to use as a road, when we are directing that the land shall be restored to its position prior to the construction or laying of the road, it may continue in its natural state which may include existence of a bund, which may be used for the purpose of access.

In these circumstances, we do not intend entertaining grievance of the intervenor.

8. Since an undertaking is given by the learned counsel for respondent no. 4 and 5, which we have recorded above and since nothing survives for adjudication, and we dispose of the writ petition.

Needless to state that upon the compliance being ensured, no coercive steps shall be taken against respondent nos. 4 and 5 by the NGPDA which shall include prosecution of the police complaint.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.