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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.334 OF 2025

SHIVANAND PEDNEKAR

... Petitioner.

Versus

SUNIL SURESH SALUNKE AND 5 ORS. ... Respondents.

Mr. Gaurang Panandikar, Advocate for the Petitioner.

Mr. Amey Kakodkar, Advocate for Respondent No.1.

CORAM: VALMIKI MENEZES, J.

DATED: 14th August, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. The order impugned in this petition, which is dated 01.07.2025, directs the Bailiff of the Court who was appointed as a Commissioner to carry out local inspection, to be accompanied by a Surveyor to be deputed from the ISLR, Bicholim. Whilst passing the impugned order, the Court has directed that the Surveyor shall carry out inspection in terms of order dated 13.03.2024 and to file his detailed report in respect of the alleged illegal construction carried out in the suit properties by complying with all the directions in terms of order dated 13.03.2024.

3. The order of 13.03.2024 to which the impugned order refers, directs the Commissioner to give a report as to the construction of Pucca structure, compound wall and small temporary structure in Survey Nos. 64/1-E and 64/1 (part).

4. The impugned order is therefore restricted to carry out a survey and report on all the structures whether Pucca, temporary or otherwise within Survey Nos. 64/1-E and 64/1 (part). The impugned order does not require any interference since the Commission would assist the Court in arriving at appropriate findings, on both the location and the legality of the structure, in relation to a Government Survey Plan and in relation to the Sketch produced along with the Plan.

5. The Bailiff and the Surveyor shall carry a copy of the Sketch annexed to the Plan and a Survey Plan, and the Surveyor so appointed by the ISLR, Bicholim, shall depict all structures, whether permanent or temporary, to scale in relation to the Government Survey Plan and submit the same in the form of a report to the Court. There is no interference called for in the impugned order save and except for the above clarification.

6. It is clarified that the structures have only been alleged as being illegal and the question of their legality shall be decided by the Trial Court.

7. Petition stands disposed of in the above terms.

VALMIKI MENEZES, J.