

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.749 OF 2023

ISABEL PEREIRA E FERNANDES AND ANR ... PETITIONERS
Versus
STATE OF GOA THR CHEIF SECRETARY
AND 6 ORS ... RESPONDENTS

Mr Rohit Bras De Sa, Advocate for the Petitioners.
Mr Neehal Vernekar, Additional Government Advocate for
Respondent Nos.1, 2, 4, 5 and 7.
Mr Somnath Karpe, Advocate for Respondent No. 3.
Mr Pranay Kamat, Advocate for Respondent No. 6
Mr Sudesh Usgaonkar, Senior Advocate with Ms Maria Rosette
Pereira, Advocate for Respondent No. 8.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED :- 8th September, 2025

ORAL ORDER : (Per Bharati Dangre, J.)

1. The petitioner made a grievance about the construction carried out by respondent no.8 and the foremost being, the construction activity commenced without a conversion sanad being obtained. In addition, the petitioner also made a grievance in respect of various alleged illegalities and therefore requested for a joint inspection to ascertain whether the development carried out in Survey No.81/7A, 81/7B, 81/5A of Taleigao village accedes the permission granted and/or is unauthorised and illegal development as per the report of the Director

of Vigilance.

2. We have heard learned counsel Mr De Sa for the petitioner, learned Senior Counsel Mr Usgaonkar for respondent no.8, learned counsel Mr S. Karpe for NGPDA, learned Additional Government Advocate Mr Vernekar for respondent nos.1,2,4,5 and 7 and learned counsel Mr P.A. Kamat for respondent no.6.

During the pendency of the petition, respondent no. 8 has secured a conversion sanad from the Collector and the same is placed before us in form of an affidavit affirmed on 08.08.2025.

The order passed by the Deputy Collector and SDO, Tiswadi, is an accompaniment to the said affidavit, which has in fact resulted in disposal of a show cause notice, calling upon the project proponent to pay conversion fee as set out in the order.

This major obstacle now having been cleared, it is the submission of Mr Usgaonkar that all the requisite permissions had been obtained before the construction activity commenced and the building is now occupied.

Mr De Sa, the counsel for the petitioners, by inviting our attention to the pleadings, would submit that there are various illegalities and in fact the project proponent has exceeded the limits and for this purpose, he is insistent that an inspection be carried out so that these lacunas/non-compliances can be reported.

3. On appreciating the rival contentions, we deem it appropriate to

dispose of the petition, as we find that the conversion sanad is now obtained by respondent no.8. We expect the petitioners to enlist the lacunas/the defects, which according to them, would amount to violation of the Goa (Regulation of Land Development and Building Construction) Act, 2008 as well as the Goa Land Development and Building Construction Regulations 2010.

Since the construction falls within the jurisdiction of respondent no.3, it being a planning area, we expect Mr De Sa to address a communication to the NGPDA, which shall take cognizance of the same and if warranted carry out an inspection in presence of petitioner, as well as all concerned, and pass an appropriate order after following the principles of natural justice.

Keeping this liberty open, we dispose of the petition.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.