



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 664 OF 2024

SYLVESTER D'SOUZA

...PETITIONER

VERSUS

STATE OF GOA, THR.

CHIEF SECRETARY,

SECRETARIAT, PORVORIM, GOA

...RESPONDENTS

Mr. Dharmanand Vernekar, Advocate for the Petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for
Respondent No. 1. (Through V.C.)

Mr. Pranay Kamat, Advocate for Respondent No. 2.

Mr. J. A. Lobo, Advocate for Respondent No. 3.

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

DATED :- 07th May, 2025

ORAL ORDER (Per Bharati Dangre, J.)

1. In terms of the order dated 25/03/2025, we are informed that the Office of the Village Panchayat has addressed a communication to the Petitioner, intimating that since the petitioner has failed to produce approved plan, construction license and occupancy certificate for the structures mentioned in the order of demolition

dated 22/12/2011, an inspection was conducted on 08/04/2025 and the structures were ordered to be demolished.

The petitioner was informed that the requisition is being forwarded to the Block Development Officer, Bardez, for providing the demolition squad.

The demolition squad is accordingly requisitioned by the Panchayat by its communication dated 30/04/2025.

2. Mr. Lobo, learned counsel representing respondent no. 3 has made a serious attempt to invite our attention to the directions issued by this Court in PILWP No. 4/2020, which ultimately resulted into directions being issued by the Court to carry out inspection by the Goa Coastal Zone Management Authority ('GCZMA'). He would also place reliance on the report of the inspection dated 26/02/2020, in the wake of the directions issued by this Court on 22/01/2020, where the respondent no. 2 i.e. the GCZMA, was directed to carry out inspection in order to determine, whether there is prima facie merit in the allegations of the petitioner that the structures are indeed in violation of CRZ notification, or not.

Mr. Lobo has also placed reliance on the observations made in the said report, which categorically record that the order dated 28/01/2010 was for demolition of second floor of G + two structures while second order of demolition dated 12/10/2012 was for demolition of G + one structure and a swimming pool and the inspection report records that both these structures stand demolished.

As a result the report categorically record as below:-

13. Hence, we conclude that the two demolition orders of the Village Panchayat of Calangute dated 28/01/2010 and 12/10/2012 have been fully complied with”.

3. A serious objection is raised by Mr. Lobo to the action of the Panchayat by placing before us, a copy of the PILWP No. 4/2020 and as we have perused the prayers sought therein, we find that the PIL Petitioner has sought action against the offending structures with all necessary assistance from respondent no. 4 by impleading Ms. Nalini Da Rosa Fernandes as well as Mr. Joseph S. Rosa (present respondent nos. 3) as respondent nos. 7 and 8, respectively.

4. What appears before us is, after the earlier inspection report, once again a site inspection was carried out, with specific reference to the notice dated 22/12/2011, and the report from the Secretary, Village Panchayat Calangute, dated 08/04/2025, specifically record that after inspecting the site, it is understood that the structures shown in the sketches are still existing on the site and no structure was found to be demolished.

5. In the wake of the aforesaid correspondence as well as the steps taken, we find that since the Village Panchayat is now proceeding ahead with the execution of demolition order dated 22/12/2011, the opposition of respondent no. 3 is of no consequence, as the structures have failed to satisfy the test of being legal structures and since respondent no. 3 was already intimated that since he had not produced the approved plans, construction license and occupancy certificate for the structures mentioned in the order dated 22/12/2011, we permit the Village Panchayat to proceed ahead with the implementation of the demolition order

6. We direct the Block Development Officer, Mapusa, Bardez-

Taluka, to render the necessary assistance, within a period of two weeks from today.

With the aforesaid directions the writ petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.