



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 752 OF 2024

Mr. Sagardeep Sirsaikar, son of
Audumber Sirsaikar, Aged 49 years,
married, Business, resident of H. No.
647, Badem, Assagao, Bardez Goa.

... Petitioner

Versus

1. State of Goa, Thr. Its Chief Secretary, ...Respondents
Secretariat, Porvorim, Bardez, Goa.

2. The Chief Town Planner, Town and
Country Planning Department, Dempo
Towers, Patto, Panaji, Goa.

3. The Deputy Town Planner, Town and
Country Planning Department, Mapusa,
Bardez, Goa.

4. The Additional Collector III, North
Goa, Mapusa, Bardez, Goa.

5. The Sarpanch/Secretary, Village
Panchayat Anjuna, Caisua,
Anjuna, Bardez, Goa.

6. Mrs. Anita Lamba, Major in age,
Business, resident of H. No. 1259/2 &
1259/3, Gaun-Waddi, Anjuna, Bardez,
Goa.

7. Mr. Inder Singh, Major of age,
Business, H. No. 1259/2 & 1259/3,
Gaun-Waddi, Anjuna, Bardez-Goa,
403509.

**Mr. Hrudaynath S. Shirodkar, Advocate for the
Petitioner.**

**Mr. S. Samant, Additional Government Advocate for the
Respondent nos. 1, 2, 3 and 4-State.**

**CORAM: ALOK ARADHE, CJ. &
M. S. SONAK, J.**

DATE: 11th March, 2025

ORAL JUDGMENT (*Per Chief Justice*)

1. Rule made returnable forthwith. With consent of the parties, heard finally.
2. Taking into account the nature of the order which this Court proposes to pass, it is not necessary to issue notice to respondents nos. 5, 6 and 7 with the consent of the parties.
3. In this petition, the petitioner, *inter alia*, seeks a direction to respondent nos. 2, 3, and 4 to take steps to demolish the extra floor constructed by respondent nos. 6 and 7 exceeding the F.A.R. for the said Zone situated at Survey no. 509/1-A of Village Anjuna. The petitioner, in addition, seeks a direction to evoke all the permissions/licences and approvals granted to respondent nos.6 and 7.
4. The facts giving rise to the filing of this Writ Petition, in a nutshell, are that according to the petitioner, respondents nos. 6 and 7, without seeking any approvals/permissions, had raised construction of the residential building, compound wall as well and swimming pool on

land bearing survey no. 509/1-A of Village Anjuna. Being aggrieved, the petitioner submitted a complaint. However, the complaint submitted by the petitioner failed to carry any response. Hence, this Petition.

5. When this matter was called today, Mr. Samant, the learned Additional Government Advocate submitted that cognisance of the complaint submitted by the petitioner has already been taken and the Deputy Town Planner, Bardez, Goa, shall inspect the site in the presence of the petitioner as well as respondent nos. 6 and 7 and submit a report to the Panchayat within one month about the constructions alleged to be made by the respondent nos. 6 and 7 without any sanction and illegal conversion of the basement. Thereupon, it would be open to the Panchayat to take action against the respondent nos. 6 and 7 based on the report. It is submitted that thereafter, the Panchayat be granted the liberty to take an action against respondents nos. 6 and 7 based on the report which the Deputy Town Planner, Bardez, Goa may submit. The learned Counsel for the petitioner submitted that the Writ Petition be disposed of in the terms mentioned above.

6. In view of the consensus arrived at between the parties and in the facts and circumstances of the case, no purpose would be served by keeping the Writ Petition pending.

7. The petition is disposed of in the following by the following order:

(i) The Deputy Town Planner, Bardez, shall carry out the inspection in the presence of the petitioner and respondent nos. 6 and 7 after giving them a notice and shall submit a report about the validity of the constructions alleged to be made by the respondent nos. 6 and 7 without any sanction and illegal conversion of the basement. Let the aforesaid exercise be carried out within a period of one month.

(ii) On the receipt of the report, which the Deputy Town Planner may submit, it is needless to state that the Panchayat shall take action against respondents nos. 6 and 7 if so required in accordance with law after affording them an opportunity of hearing. Such action must be taken within three months of receiving adverse report.

8. It is clarified that this Court has not expressed any opinion on the merits of the case.

9. Accordingly, the petition stands disposed of.

M. S. SONAK, J.

CHIEF JUSTICE