



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 704 OF 2024

M/S. ADITYA BUILDERS, THR. ITS
MANAGING PARTNER, VIJAY P.
SAWARDEKAR ... PETITIONER
VS
STATE OF GOA, THR. CHIEF
SECRETARY AND 5 OTHERS ... RESPONDENTS

Mr. Parag Rao with Mr. Abhishek Sawant, Advocates for the
Petitioner.

Mr. Deep D. Shirodkar, Additional Government Advocate for
Respondent Nos. 1 to 4.

**CORAM: M.S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED: 10th MARCH 2025

P.C:

1. We have perused the affidavit dated 24.02.2025 filed by Mr. Jude A.D. Carvalho working as Executive Engineer, Works Division VII, Public Works Department, Government of Goa. The affidavit clearly records that the Petitioner's representation dated 08.10.2024 was put up by their office for granting FSI/FAR of 1.5, building height of 20.5 metres and building setback line of 3 metres, as condition to give NOC for construction of bye-pass road for the decision of the Government. Accordingly, the Principal Chief Engineer of the Public Works Department put a note that the request for granting 1.5 FAR, building height of 20.5 metres and building setback line of 3 metres may be considered to

compensate for land area to be utilized for the road diversion. In the affidavit, it is specifically stated that the same is approved by the Government.

2. In paragraph 6 of the affidavit it is stated that if for some reason, the construction of the bye-pass road cannot be completed in all respects, the Respondents will restore the property to its original condition. We find that this issue no longer survives as the road is complete in all respects.

3. This being the position and Respondent Nos. 1, 3 and 4 having approved the compensation as a condition to give NOC for the construction of bye-pass road, there should be no difficulty if the Petitioner applies for permission to carry out the construction in his plot bearing Survey No. 23/3-D-1 of village Socorro of Bardez Taluka. In view of the statement in affidavit dated 24.02.2025 that the Government has approved the request of the Petitioner for grant of 1.5 FSI/FAR, building height of 20.5 metres and building setback line of 3 metres as compensation, we dispose of the present Petition.

4. Needless to mention that the Government shall formally intimate the Petitioner. We make it clear that the Petitioner shall fully co-operate with the State Government with regard to the documents required for the utilization of the property.

5. The Petition is disposed of. No costs.

NIVEDITA P. MEHTA, J.

M.S. KARNIK, J.