



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 462 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 1 OF 2024

Roshan Azavedo

... Applicant

V e r s u s

State of Goa, Thr. The Chief Secretary & Anr. ... Respondents.

Mr. C. Padgaonkar, Advocate with Ms. V. Mahato, Advocate for the Applicant.

Mr. Subham Priolkar, Additional Government Advocate for the Respondent-State.

Mr. P. A. Kamat, Advocate for Respondent no. 7.

Mr. Manish Salkar, Government Advocate for Respondent no. 10.

Mr. Rohit Bras De, Advocate with Mr. J. Pinto, Advocate for the Respondent no. 29.

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

DATE: 12th FEBRUARY, 2025

P.C.

1. This is an application for de-sealing the mezzanine floor of the subject premises for the limited purpose of complying with the 2010 Regulations and bringing the mezzanine floor in conformity with the 2010 Regulations.

2. Shri De Sa, learned Counsel for the original petitioner, invited our attention to paragraph 8 of the order dated 28.02.2024 passed by this Court. Paragraph 8 reads thus :

“8. In the above circumstances, we think that it would be appropriate to direct the authorities of the Town and Country Planning Department to visit the site in question and to file a report before us on whether the position at the site corresponds to the approved plans. If the authorities find that there is no correspondence, the authorities should also indicate in their report whether, in terms of the relevant rules and regulations, there is any prohibition for amalgamation of the shops on the ground floor and putting up of a mezzanine floor. The extent to which a mezzanine floor can be put up in accordance with the rules and regulations must also be indicated in the report.”

3. It is submitted by Shri De Sa that the site inspection report dated 26.11.2024 is not in accordance with the order passed by this Court which is re-produced herein above.

4. We have perused the site inspection report. We are not in agreement with the submissions canvassed by Shri De Sa. A perusal of the site inspection report indicates that the mezzanine floor may be permitted in a room or a hall subject to fulfillment of certain requirements. The applicant will have to strictly adhere to these requirements as provided in the inspection report. It is further observed that the mezzanine floor (intermediated floor) as constructed is not in conformity with the Goa Land Development & Building Construction Regulations 2010 (Regulations of 2010, for short).

5. For the limited purpose of complying with the requirements so as to bring the mezzanine floor in conformity with the Regulations of 2010, which the applicant is agreeable, we permit de-sealing of the premises. The Deputy Town Planner shall inspect the premises post the modifications made as per the Regulations of 2010. It is made clear that the de-sealing is for the limited purpose of bringing the structure i.e. mezzanine floor in conformity with the Regulations of 2010. No business activities will be carried out in the premises unless all the permissions are in place and the structure is regularized.

6. Shri De Sa submitted that the structure is constructed within 500 metres from the High Tide Line (HTL). This aspect may be examined by the Goa Coastal Zone Management Authority (GCZMA) and appropriate action be taken for any violations. Shri Priolkar appears for GCZMA. The inspection be carried out by the GCZMA and action be taken if the structure is within 500 metres of the High Tide Line.

7. We have already made it clear that no business activities will be carried out in the premises unless all the permissions are put in place and the structure is regularized.

8. Application is disposed of. No costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.