



vinita

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.802 OF 2024

SUBHADRA KRISHNA GAWAS REP. BY HER
DULY AUTH. POA HER SON GANBA
KRISHNA GAWAS

... PETITIONER

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 9 ORS

... RESPONDENTS

Mr Sagar Dhargalkar, Advocate for the petitioner.

Ms Akshata Bhat, Additional Government Advocate for respondent
Nos.1, 3, 4, 5, 6, 7, 8 and 10.

Mr S. D. Lotlikar, Senior Advocate with Ms S. Keny, Advocate for
respondent no.9.

Mr S. Gaonkar, Advocate for respondent no.2.

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

DATED :- 25th March, 2025

P.C.

The petitioner is aggrieved by in action on the part of the statutory authority for initiating an action against illegal construction carried out by respondent no.9, thereby blocking her access, claiming that the petitioner is the owner of the house bearing no.92 in the property bearing survey No. 28/11 at Zarme, Sattari, Goa. It is pleaded by the petitioner that she is residing in the house for more than 37 years and necessary documents to that effect are placed on record.

2. According to her, respondent no. 9 built a house in property

bearing survey no.1/1 of village Zarme and partly in the property bearing survey no.28/11 of village Zarme and thus he has illegally encroached upon a traditional pathway falling in property bearing survey no.1/1 of village Zarme as well as blocked the motorable access to the petitioner.

3. Being aggrieved with the aforesaid action of the respondent no.9, the petitioner approached respondent no. 6 vide complaint dated 21.1.2019 which was accompanied with the sketch map with a request to carry out inspection of the premises and remove alleged illegal construction undertaken by respondent no.9. It is also her case that the Mamlatdar of Sattari Taluka by its letter dated 3.7.2019 submitted a copy of the checklist to the Office of respondent no.7 i.e Deputy Collector of Sattari Taluka who initiated proceedings against respondent no.9 under Section 33 of the Land Revenue Code and issued summons by fixing the date of hearing on 18.9.2019.

4. The grievance of the petitioner is that till date, proceedings have not culminated.

5. Mr Lotlikar, learned Senior Counsel appearing for respondent no.9 submits that there is already a house existing therein, and he denied that he has encroached, as alleged by the petitioner. In any case, proceedings are pending before respondent no.7. We expect him to conclude the same as despite summons being issued in the year 2019 no final decision has been taken.

6. Ms A. Bhat, learned Addl. Govt. Advocate representing respondent no.7 submits that six months time be granted for

concluding the proceedings.

7. Considering that the proceedings are pending since 2019, we deem it appropriate to direct to respondent no. 7 to conclude the said proceedings within a period of three months from today.

8. Needless to say that it is open for him to hear the petitioner as well as respondent no. 9 before the final decision is taken.

9. The Writ Petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.