



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 10 OF 2025

Mr. Vijay Vasant Harmalkar, Son of Mr. Vasant S. Harmalkar, Age 38 years, Married, Driver, R/o House No. 179/I, Ruzai wado, Cuchelim, Bardez-Goa. (Registered address) ... Petitioner.

V e r s u s

1. State of Goa Through its Chief Secretary, Having its Office at Secretariate Building, Porvorim, Bardez-Goa.
2. The Deputy Collector of Bardez-Goa, Mr. Gurudas T. Desai, Having its office at Mapusa, Bardez-Goa.
3. The Director, Directorate of Vigilance, Serra Building, Near A.I.R, Altinho, Panaji-Goa.
4. The Member Secretary, North Goa Planning and Development Authority, Panaji- Goa.
5. Mr. Nurulla Abdul Razak Mulla, Major of age, years, Married, Business, R/o. House No. 183, Rizay Waddo, Cuchelim, Bardez-Goa. ... Respondents.

Mr Omkar Mestri, Advocate for the petitioner.

Ms Akshata Bhat, Additional Government Advocate for respondent nos.1 to 3.

Mr Hanumant D. Naik, Advocate for respondent no. 4.

Mr I. Agha and Mr Utkarsh Sawant, Advocate for respondent no. 5.

**CORAM: A. S. CHANDURKAR &
NIVEDITA P. MEHTA, JJ.**

DATE: 17th March 2025.

ORAL JUDGMENT (PER A.S. CHANDURKAR , J)

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for the parties.
3. By this petition, the petitioner is seeking direction to the respondent no.2 to dismiss the application filed by respondent no.5 for regularisation of unauthorised construction carried out in property bearing P. T. Sheet no. 13 Chalta No. 58/15 of Cuchelim Village. According to the petitioner in view of the provisions of Section 3 of the Goa Regularisation of Unauthorised Constructions Act, 2016(“the Act of 2016” for short) such application for regularisation at the instance of respondent no.5 is not at all maintainable. It is urged that though the requirements of Section 3 of the Act of 2016 have not been satisfied, the respondent no.2 is proceeding with the consideration of the aforesaid application on merits.
4. Ms Bhat, learned Addl. Govt. Advocate for respondent nos.1 to 3 on instructions submits that objection raised by the petitioner to the maintainability of the said application would be decided on its own merits within a period of six weeks from today.

5. Considering the fact that the petitioner has raised an objection to the maintainability of the regularisation application preferred by the respondent no.5, following directions would serve the ends of justice:-

(i) The Respondent no.2 shall hear the petitioner as well as respondent no. 5 on the objection raised by the petitioner dated 8.6.2023.

(ii) The Respondent no.2 shall also examine whether the requirements of section 3(3) of the Act of 2016 are satisfied.

6. Keeping all issues on merit open and with a direction to decide the aforesaid application/objection within a period of six weeks, the Writ Petition is disposed of with no order as to costs.

7. Rule stands disposed of accordingly.

NIVEDITA P. MEHTA, J.

A. S. CHANDURKAR, J.