



**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.452 OF 2025**

1) MR. DINESH SHIRVOIKAR,

Son of Late Mr. CholuShirvoikar, Aged 49
years, Indian Citizen, Married, r/o House No.
20/411, Maddinwado, Caranzalem - Goa.

2) MR. GOVIND SHIRVOIKAR,

Son of Late Mr. FottuShirvoikar, Aged 48
years, Indian Citizen, Married, r/o House No.
20/411, Maddinwado, Caranzalem,
Caranzalem, Goa.

3) MR. CHETAN SHIRVAIKAR,

Son of Late Ganesh Shirvoikar, Aged 37
years, Indian Citizen, Married, r/o House No.
20/411, Maddinwado, Caranzalem,
Caranzalem Goa.

4) MR. SHIRVOIKAR SAMEER

Son of Late Ganesh Shirvoikar, Aged 34
years, Indian Citizen, Unmarried, r/o House
No. 20/411, Maddinwado, Caranzalem,
Caranzalem Goa.

5) MR. SHIRVOIKAR AJAY

Son of Late Ganesh Shirvoikar, Aged 28
years, Indian Citizen, Unmarried, r/o House
No. 20/411, Maddinwado, Caranzalem,
Caranzalem - Goa.

.... PETITIONERS

Versus

1. THE COMMISSIONER, Corporation of
City of Panaji Panaji - Goa

2. THE SECRETARY (URBAN
DEVELOPMENT) Appellate Authority,
Government of Goa, Secretariat, Porvorim
Goa.

3. MR. SANDEEP HANUMANT
SHIRVOIKAR, H. No. 413, Near Rosary
Convent, Maddinwaddo, Caranzalem - Goa. RESPONDENTS

Mr. Vibhav Amonkar with Mr. Raj Chodankar, Advocates for
the Petitioners.

Mr. Somnath Karpe with Ms. S. Parodkar, Advocates for the
Respondent No. 1

Mr. Deep Shirodkar, Additional Government Advocate for
Respondent No.2

Mr. Vithal Naik, Advocate for Respondent No.3.

CORAM: VALMIKI MENEZES,J.

DATED: 25th NOVEMBER, 2025.

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. Affidavit in reply is taken on record.

3. This petition challenges demolition order dated 03.03.2020, passed by the Commissioner of the Corporation Of the City of Panaji under City of Panaji Corporation Act,2000. The order of demolition was further challenged in appeal, before the Secretary, Urban Development, who has also by its order dated 13.04.2023, dismissed the appeal and confirmed the demolition order.

4. The following are the main contentions raised by the Petitioner in this petition:

a) That the transgression report dated 27.08.2018, recording the construction, against which the demolition has been ordered, is vague and does not even specify the survey number nor was it conducted in the presence of the Petitioner.

b) That the Petitioner, declared as a Mundkar of the structure, and having purchased an area of 167 square meters of land which comprises the structure, would be entitled to seek regularization of the unauthorized part of the structure, since it falls within the area purchased by him.

5. The transgression report no doubt does not specifically relate to a survey number but, however, it does states that the official survey plan was compared with the structure on the ground and based on this fact, the transgression plan was

prepared specifying the dimensions of the original structure on ground, which is 13.20 x 12.50 meters whilst the unauthorized structure which is extension to the structure as being set out is admeasuring 5.20 x 12.50 square meters. The transgression report therefore, sufficiently describes the portion of the structure which has been constructed without necessary licenses.

6. It is a matter of record that the Petitioner was declared as a Mundkar of a structure with Chalta No.73 of PT Sheet No.174, which admeasures 167 square meters on the property card of this survey holding which stands in the name of the father of the Petitioner. It is this property card and survey holding and entry in the survey which were relied upon by the Petitioner to get his declaration of his right as Mundkar in relation to the dwelling house which is shown on the survey plan, and which corresponds to the house now purchased by him, in a purchase proceedings under Section 16 of the The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

7. In the purchase proceedings, the Petitioner sought to purchase not just the original dwelling house admeasuring 167 square meters but also the area extended by him without authorization. This application was opposed by the landlord and objections were upheld by the Mamlatdar holding that the Petitioner was entitled to, only the original structure as shown in the survey plan admeasuring 167 square meters. Plan to this effect was drawn to scale on the basis of the survey conducted by

the Surveyor of the Mamlatdar and a final order under Section 16 of the Act came to be passed on 10.01.2019. The rights of the Petitioner are therefore restricted, as a Mundkar, to the specific area covered by Chalta No.73 of PT Sheet No.174, for want of further challenge to the order of purchase.

8. Considering all these facts, the original area of the house was clearly known to the Petitioner and there was no ambiguity as to the area occupied by his dwelling house for which he had filed a purchase application which was granted. The argument raised that the transgression report is vague, is therefore insignificant and cannot be considered to cause any prejudice to the Petitioner, since the Petitioner was well aware of his rights as a Mundkar.

9. It is further the contention of the Petitioner that the passing of the demolition order would prejudice his rights to seek a regularization of the unauthorized structure, which an extension of 5.20 x 12.50 meters of the house which he has been allowed to purchase. This argument would also have been rejected, since at present the Petitioner has allowed the order directing purchase of only 167 square meters of mundkarial house to attain finality way back in the year 2019 without any further challenge. Leaving room for permitting regularization of what the Petitioner plans to do in the future i.e. seek to purchase a larger area by challenging the order of purchase, cannot be countenanced in view of the provisions of Section 256 of the City

of Panaji Corporation Act. The structure, at present, is clearly illegal and cannot be termed as regular since it is constructed without license and is constructed on the land which does not belong to him and not being purchased by the Petitioner. The contention has therefore be rejected.

10. For the reasons stated above, the Writ Petition is dismissed. No costs.

VALMIKI MENEZES, J.