



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.423 OF 2025

ANAND BABUSO NAIK

... PETITIONER

Versus

STATE OF GOA THR ITS CHIEF
SECRETARY AND 4 ORS

... RESPONDENTS

Mr Sahil Sardessai, Advocate for the Petitioners.

Mr Prashil Arolkar, Additional Government Advocate for
Respondents No.1 and 2.

Mr Sagar Sarmalkar, Advocate for Respondents No.4 and 5.

CORAM:- VALMIKI MENEZES, J.

DATED :- 12th November, 2025

P.C.

1. Registry to waive all objections and register the matter.
2. Heard Mr Sahil Sardessai, learned Counsel for the Petitioner, Mr Prashil Arolkar, learned Additional Government Advocate for Respondents No.1 and 2 and Mr Sagar Sarmalkar, learned Counsel for Respondents No.4 and 5.
3. The main contention of the Petitioner is that the order passed by the Chief Officer under Section 190 of the Goa Municipalities Act, 1968, directing vacation and demolition of a structure which is the subject matter of the notice dated 03.01.2023, is not based upon any

cogent material to conclude that the structure is not fit for habitation.

4. On perusing the record, the last report filed by a team of the Goa Engineering College, which is dated 05.02.2025, opines and recommends, after inspecting the structure, that the same is on the verge of collapse. The report further recommends that the basic structural system of the building has become weak and is beyond repair due to the constant exposure to rainfall. It further opines that the supporting load-bearing walls of the structure need to be demolished and a new structure will have to be erected in place of the old structure and, therefore, the building is unfit for re-habilitation and repair and can only be demolished and re-constructed.

5. This is a technical opinion with no contrary opinion being placed on record of any Engineer or Architect. The opinion appears to be rendered after inspection of the structure and thorough examination of the structural fitness of the building. The decision, which is impugned herein, of the Chief Officer dated 14.10.2025, considers the technical opinion of the Goa Engineering College and is passed purely based on this consideration. No infirmity, therefore, can be found with the decision. The Petition is, therefore, dismissed in limine.

6. Learned Counsel, Shri Sahil Sardesai, for the Petitioner, submits that the Petitioner has claimed a right of tenancy to the House/Shop No.170 in Survey no.60/3 of Village Chaudi-Canacona, situated on the

ground floor of the building. He submits that demolition of the building might result in the eviction of the Petitioner and the extinguishing of his right and claim as a tenant. The demolition order, in my opinion, cannot affect the claim of the tenant as such a claim, if proved, before the appropriate forum would survive even if the building was reconstructed and if the claim of statutory tenancy under the Rent Control Act is actually established.

7. At this stage, learned Counsel for the Petitioner submits that the Petitioner would shut the shop and vacate the premises within a period of two weeks to enable the smooth demolition of the building. This statement is accepted.

8. The Petition stands dismissed with the above observations. No costs.

VALMIKI MENEZES, J.