



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITON NO.74 OF 2026

1. MR. PRADEEP P. GHADI AMONKAR,
Aged 60, Indian national, owner/ Stakeholder in
"Maizons Coast line Developers. Resident of H. No.
4/138/H, "Roshandee", Near Thivim Industrial
Estate, Mapusa, North Goa-403526.
2. MR. SUNIL D. DIVKER,
Aged 54, Indian national, Owner/
Stakeholder in "Maizons Lake View Resort",
Resident of House No. 71-E/5,
Shetye Vaddo,
Mapusa, North Goa-403507

... PETITIONERS.

~ VERSUS ~

1. STATE OF GOA,
Through its Chief Secretary,
Secretariat, Porvorim, Goa-403521
2. VILLAGE PANCHAYAT ARPORA-
NAGOA,
Through its Sarpanch, Arpora-Nagoa,
Bardez, Goa.
3. BLOCK DEVELOPMENT OFFICER-
BARDEZ,
Mapusa, Goa
4. DEPUTY COLLECTOR-SUB-
DIVISIONAL OFFICER, BARDEZ &
Mapusa, Bardez, Goa
5. MAMLATDAR OF BARDEZ,
Office at Mapusa, Bardez, Goa.
6. SENIOR TOWN PLANNER-BARDEZ,

Town and Country Planning Department,
North Goa District Office,
Mapusa, Bardez, Goa

7. GOA COASTAL ZONE MANAGEMENT
AUTHORITY (GCZMA),
Through its Member- Secretary,
4th Floor, Dempo Towers, Patto, Panaji-Gou.

8. GOA STATE POLLUTION CONTROL BOARD,
Through its Member Secretary, Goa,
Pilerne, Goa

9. SUPERINTENDENT OF POLICE,
North Goa District

10 MR. SURINDER KUMAR KHOSLA,
Major, UK national, doing business under the
name Maizons Lake View Resort" and "Birch by
Romeo Lane, having address at Sankwadi, Arpora,
Bardez Goa-403516.

11. DEPARTMENT OF FIRE AND EMERGENCY
SERVICES,
Through its Director,
Campal, Panaji, Goa

12. GOA STATE DISASTER MANAGEMENT
AUTHORITY,
Through the Secretary Revenue (Ex-Officio
Member Secretary) Secretariat,
Porvorim, Goa.

...RESPONDENTS.

APPEARANCES:

for the Petitioners

***Mr Joel Pinto with Mr Prasenjeet
Dhage, Advocate***

**for Respondent Nos.1, 3 to
7, 9 and 11.**

***Mr. Devidas Pangam, Advocate
General with Mr Neehal Vernekar,***

Addl. Govt. Advocate.

for Respondent No.8.

Mr Manish Salkar, Govt. Advocate.

**CORAM : SUMAN SHYAM &
AMIT S. JAMSANDEKAR, J J.**

**RESERVED ON : 11th February 2026
PRONOUNCED ON : 25th February 2026**

ORDER (PER AMIT S . JAMSANDEKAR, J)

1. Heard Mr. Pinto, the Learned Counsel appearing for the Petitioners.
2. The present petition was filed on 11.12.2025, exactly after five days of the tragedy that had taken place on the intervening night of 6th and 7th December 2025 at the village Arpora, Bardez, Goa, where 25 people lost their lives in a tragic fire incident. The incident occurred in a commercial establishment named 'Birch by Romeo Lane'.
3. The Petitioners in the present petition have alleged violations of their fundamental rights, *inter alia*, guaranteed by Articles 14, 19(1)(g) and 21 of the Constitution of India. It is stated in the petition that the 10th Respondent, with whom the Petitioners admittedly have contractual relationship has breached and violated, *inter alia*, the provisions of Goa Land and Development and Building Construction Regulations, 2010, Goa (Regulation of Land Development and Building Construction)

Act, 2008, Goa Town and Country Planning Act, 1974, Goa Panchayat Raj Act, 1994, Goa Land Revenue Code, 1968, CRZ norms and Environment (Protection) Act, 1986, etc. Petitioners contend that, though there is rampant violation of the provisions of law by the 10th Respondent, the concerned Authorities did not take any action. By highlighting this tragic incident, the Petitioners have sought broad relief in this petition, including a writ of *Mandamus* and a writ of *Certiorari*.

4. When the petition was heard for the first time on 15.12.2025. It is expressly recorded in the Order dated 15th December 2025 that the dispute in the petition is a private dispute between the Petitioners and the 10th Respondent. However, considering the tragic incident which took place on the intervening night of 6th and 7th December 2025, the Court took serious note of the problem of illegal constructions and indiscriminate grant of licences in the State of Goa. Therefore, a *Suo Moto* cognisance of the facts was taken, and the Registry was directed to register the *Suo Moto* Public Interest Litigation, which was subsequently registered as *Suo Moto* PIL No. 1/2026 (***the PIL***) and the present petition was tagged along with the PIL.
5. Thereafter, the PIL was heard in detail, and to address the issues covered by the PIL, we have passed detailed orders. We are monitoring the progress on the issues covered by our orders and directions passed

in the PIL. Subsequently, we have also expanded the scope of the PIL, and suitable orders and directions have also been passed; implementation of the same is in progress.

6. Thereafter, the present petition came up for further hearing on 13.01.2026, and after hearing the Petitioners and going through the pleadings in detail, we were of the view that the dispute in the present petition is in the nature of a private dispute. Therefore, we thought it appropriate not to take this matter up along with the PIL. Accordingly, the Registry was directed to segregate this matter from the PIL.
7. In view thereof, the Writ Petition again came up for hearing on 19th January 2026, when Mr. Pangam, the Learned Advocate General, made submissions that the present petition ought not to be heard on any ground. The grounds for opposing the petition were the suppression of material and vital facts, as well as documents, by the Petitioners, and the ongoing criminal and other investigations into the tragic incident that occurred in Survey No. 158/0 of Arpora village. According to the Learned Advocate General, the Petitioners themselves have illegally constructed the structure in which the tragedy took place and 25 lives were lost. This argument of the Learned Advocate General was countered by the learned counsel appearing for the Petitioners. On 19th January 2026, the Petitioners sought leave to file relevant documents to justify that the structures in Survey No. 158/0 and 159/0 of the village

Arpora are legal. This liberty was given to the Petitioners. The Petitioners were also directed to produce a copy of the written statement and the decree passed in Special Civil Suit No. 1/2005/C etc. Thereafter, the Petitioners filed a further affidavit and documents and the matter was further heard on 11th February 2026.

8. Today, during the course of the hearing, we clarified that all the larger issues and public causes are being addressed by the orders and directions passed by us in the PIL, and are being continuously monitored by us. Therefore, the present petition, as far as those issues are concerned, cannot be heard at the behest of the Petitioners. However, Mr. Pinto submitted that the Petitioners are pressing for all the issues raised in the Petition *qua* the Petitioners and the cause of action of the Petitioners arising out of the alleged illegalities committed by the 10th Respondent and consequent inaction by the Authorities.
9. In view thereof, we have heard Mr. Pinto, the Learned Counsel for the Petitioners, Mr. Pangam, the Learned Advocate General, on behalf of Respondents Nos. 1, 3, 7, 9 and 11 and Mr. Salkar on behalf of Respondent No. 8. Mr. Pangam appressed the Court that the 10th Respondent is absconding till date.

10. Mr. Pinto submitted that the present petition is maintainable even though there are civil suits pending between the Petitioners and the 10th Respondent. He submits that if there is any violation of the statutory provisions and the construction is illegal, then the writ is maintainable irrespective of the pendency of the private civil disputes. He relied upon *Madhukar Janardhan Dhole and ors. v. The Chief Officer and anr.*¹, *Raman Madhok and ors. v. State of Goa and ors.*², *Popatrao Vyankatrao Patil v. The State of Maharashtra and ors.*³, *Rampuria Brothers Pvt. Ltd. v. Calcutta Municipal Corpn.*⁴, *Shyamal Kanti Mondal and ors. v. The State of West Bengal and ors.*⁵, *Sh. Anoop Mehta and ors. v. Jaypee Powergrid Ltd. and ors.*⁶, *Mohd Arif and ors. v. Soth Delhi Mucinipal Corporation and ors.*⁷ in support of his submissions. It is also submitted that the resort constructed by the Petitioners in Survey No. 158/0 and abutting Survey No. 159/0 of the village Arpora was constructed after obtaining all the required permissions from the concerned departments. Therefore, there cannot be any allegations of illegality

¹ In Writ Petition No. 6728 of 2024 decided on 07.02.2025

² In Writ Petition No. 25 of 2021 decided on 20.09.2022

³ (2020) 19 SCC 241

⁴ 1988 AIR(Cal) 370

⁵ 2015 SCC OnLine Cal 10343

⁶ 2010 SCC OnLine HP 5366

⁷ In WP(C) 4090/2022 decided on 10.03.2022

against the Petitioners by the State. He submits that the 10th Respondent has carried out construction illegally in Survey No. 159/0 of the village Arpora. He further emphasised that the Petitioners have consistently objected to and filed complaints before the statutory Authorities regarding the illegal acts of the 10th Respondent. He relies upon the order of demolition passed by the Panchayat against the 10th Respondent on a complaint of the Petitioners. The Petitioners submit that the tragic incident occurred because the statutory Authorities did not take any action on the complaints filed by the Petitioners, pointing out the illegalities committed by the 10th Respondents. Mr. Pinto submitted that there is no suppression of the facts or documents by the Petitioners and the Petitioners have disclosed the ongoing civil dispute between the Petitioners and the 10th Respondent. In view thereof, the Petitioners are justified in approaching this Court under Article 226 of the Constitution of India seeking relief by way of a Writ of *Mandamus* and a Writ of *Certiorari*.

11. Mr. Pangam, the Learned Advocate General, vehemently opposed the relief being granted in the present petition at the behest of the Petitioner on various grounds. Firstly, it is submitted that there is a gross suppression of the material and vital facts and documents. Secondly, there are cross civil suits-counter claims pending before the Civil Court *inter se* between the Petitioners and the 10th Respondent in

respect of the land/structures erected on the Survey Nos. 158/0 and 159/0 of the village Arpora where the tragic incident took place. Therefore, there are disputed facts and the Writ Court ought not to entertain the petition. Thirdly, and most importantly, the Petitioners have not approached the Court with *bonafide* intention. The Petitioners have filed the petition only after the tragic incident, in order to avoid the ongoing criminal and other investigations conducted by various investigating agencies. It is submitted that any relief in the present petition at the behest of the Petitioner would impact the ongoing investigations. The Learned Advocate General heavily relied upon a copy of the Agreement dated 23rd April 2004 executed between the Petitioners and the 10th Respondent. On the basis of Agreement dated 23rd April 2004 and statements made in the plaint by the Petitioners, it is submitted that the structures where the tragic incident took place, taking the lives of 25 people, are other structures in Survey No. 158/0 and 159/0 of the village Arpora are illegally constructed by the Petitioners. Mr. Pangam, emphasised that the Agreement dated 23rd April 2004 and the facts relating to the civil disputes, in particular the rival pleadings are suppressed by the Petitioners with *malafide* intention. He further submits that apart from the other accused, the Petitioners are also liable to pay the compensation to the victims and that should be recovered from the assets of the Petitioners. According to Mr.

Pangam, the present petition is an attempt to avoid the civil and criminal liabilities and therefore it ought to be dismissed.

12. In the background of the rival submissions recorded above, we have perused the documents on the record.
13. The statements are made by the Petitioners in the petition that they are long-standing promoters / stakeholders and erstwhile developers of the resort project known as 'Maizons Star Resort'. The Resort is primarily situated in Survey No. 158/0 and abutting Survey No. 159/0 at Sankwadi of the village Arpora, Bardez, Goa. It comprises of several apartment blocks, a restaurant block, a wholesale liquor shop, a nightclub and a private lake. Significantly, the Petitioners contend that the Resort is located in an environmentally sensitive pocket, that the area falls within CRZ jurisdiction, and that it consists of low-lying, water-logged land, part of which has been filled, as documented in the Panchayat/TCP inspection reports. In short, a highly eco-sensitive area as pointed out by the Learned Advocate General.
14. The petition briefly makes a reference to the pending civil litigation between the Petitioners and the 10th Respondent and also refers to the agreement dated 23rd April 2004, executed between the Petitioners and the 10th Respondent. Thus, it is admitted in the petition that there is extensive civil litigation between the Petitioners and the 10th Respondents. Thereafter, the petition proceeds to the alleged illegalities

committed by the 10th Respondent and the complaints made by the Petitioners to various statutory authorities in respect of those alleged illegalities.

15. Perusal of the allegations in the petition, the complaints to the Authorities, legal notices sent by the Petitioners and the statements made in the plaint and the written statement filed by the 10th Respondent clearly indicate that there are civil disputes between the Petitioners and the 10th Respondent which are originating and/or arising out of the Agreement dated 23rd April 2004.
16. The civil litigation began in 2004, when the Petitioners filed a civil suit against the 10th Respondent before the Learned Civil Judge, Senior Division, at Mapusa. The Petitioners have given the description of the property situated in Survey No. 158/0 and abutting Survey No. 159/0 of the village Arpora in paragraphs 3 (a) and (b) of the plaint, which is the subject matter of the suit filed by the Petitioners. The claim is made by the Petitioners, *inter alia*, of breach of the Agreement dated 23rd April 2004 by the 10th Respondent. The Petitioners have also alleged in the plaint that the 10th Respondent carried out illegal construction on the property. It is also alleged that the possession of the property was given to the 10th Respondent by the Petitioner in the year 2004, pursuant to the Agreement dated 23rd April 2004.

17. Subsequently, the record indicates the filing of suit by the 10th Respondent against the Petitioners in the year 2024. There are various complaints made against each other before various authorities. Therefore, we agree with the submission of the Learned Advocate General that there are disputed questions of facts involved in the petition, and therefore, the Writ Court cannot entertain the same under Article 226 of the Constitution of India.
18. Further, though the Petitioners have produced a copy of the plaint filed by them against the 10th Respondent, the true nature of the disputes between them has not been fully disclosed by the Petitioners in the petition. The fact that interim relief was not granted to the Petitioners in the suit filed by them in the year 2004 has not been disclosed by the Petitioners in the petition. The fact that the Petitioners did not challenge the refusal of the interim reliefs to them has also not been disclosed in the petition. Importantly, the Agreement dated 23rd April 2004 came to be suppressed in the proceedings. If the intention of the Petitioners was *bona fide* then there was no reason for the Petitioners not to produce it in the present proceedings, particularly when a reference is made by the Petitioners to the Agreement. The written statement filed by the 10th Respondent in the suit filed by the Petitioners was also not disclosed. A few of these facts and documents came to light only after our orders passed on 19th January 2026. We

were required to pass the order in view of the submissions made by the Learned Advocate General during the hearing of the petition on 19th January 2026. When the allegations were made by the Petitioners against the 10th Respondent and the statutory Authorities, it was the duty of the Petitioners to produce a copy of the Agreement dated 23rd April 2004. The Petitioners did not produce the Agreement dated 23rd April 2004, even when they filed an additional affidavit. The law requires full and complete disclosures in the proceedings so that the Court has all the material before it to decide the cause judiciously. A cursory reference is not enough. Therefore, we find that the Petitioners have suppressed the material, vital and crucial facts in the proceedings and have approached the Court with unclean hands. The suppression is gross, and therefore, such Petitioners do not deserve any relief by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

19. The Learned Advocate General produced a copy of the Agreement dated 23rd April 2004 in the present proceedings when it was found during the ongoing criminal investigation of the tragedy. On the basis of the Agreement and clauses contained therein, the submission of the State is that the constructions are carried out by the Petitioners in the year 2004 in Survey No. 158/0 and Survey No. 159/0 of the village Arpora. Therefore, it is further submitted by the Learned Advocate

General that Petitioners have not produced any permission to carry out construction in Survey No. 159/0 of the village Arpora even when the Petitioners have filed an additional affidavit in the present proceedings pursuant to the leave granted by the Court on 19th January 2026. We are not going into any of the disputed facts in the present proceedings, including the submissions of the Learned Advocate General with reference to the Agreement dated 23rd April 2004, due to the pendency of the civil suits between the Petitioners and the 10th Respondents, as well as the ongoing investigations and the proposed actions by various statutory Authorities.

20. We also seriously doubt the *bona fides* of the Petitioners due to the filing of the present petition after 6th/7th December 2025. The date on which the tragic incident occurred in the property situated at Survey No. 158/0 and Survey No. 159/0 of the village Arpora. When the Petitioners filed the suit in 2004, the interim relief was refused, and, according to the Petitioners, the statutory Authorities were not acting in accordance with the provisions of law. Then there was no reason for the Petitioners to wait so long before approaching this Court. Additionally, considering the pendency of the civil suit since 2004, filed by the Petitioners, they could have approached the civil court seeking preventive relief. The Petitioners chose not to do that for reasons best known to them, and, if there was any reason, not to disclose to us

during this proceeding. Now, by interlinking the private dispute of the Petitioners with the 10th Respondent, the Petitioners seek to project a larger public interest through this petition. Therefore, it certainly appears to us to be an attempt to resolve private civil disputes by the present petition after the tragic incident and to avoid the civil and/or criminal liabilities that may be imposed after the ongoing investigations.

21. All the larger issues raised by the Petitioners in the petition are addressed by our directions and orders passed in the PIL. Considering the conduct and lack of *bona fides* of the Petitioners, we agree with the submission of the Learned Advocate General that any relief in the present petition to the Petitioners shall either affect the pending civil suits, counterclaims, and/or the ongoing investigations in the matter. Even after the PIL addressed the larger issues canvased by the Petitioners, they chose to press relief in the present petition. That itself establishes the private interest of the Petitioners and intention, which is not *bona fide*.
22. In any case, the Learned Advocate General has informed us that, as far as the cause of the Petitioners of demolition of the illegal structure is concerned, the Appeal filed by the 10th Respondent challenging the demolition order was heard by the concerned Authority and has been dismissed. In view thereof, he submitted that the further steps, as required in law shall be taken by the Authorities/State. We have also

been apprised that the State/Authorities have taken a serious note of the incident, and the concerned officials, parties, and public servants etc. are being investigated, and further effective steps are being taken as ordered and directed by the Court in the *suo motu* PIL No. 1 of 2026.

23. For the reasons recorded above, we are not inclined to grant any relief to the Petitioners in this petition.
24. **Consequently, the Writ Petition No. 74 of 2026 stands dismissed.**

[AMIT S. JAMSANDEKAR, J.]

[SUMAN SHYAM, J.]