

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-299-2020

Pradip Baburao Desai and others ... Petitioners
Versus
Mapusa Municipal Council and others ... Respondents.

Mr. Chirag Shah, Advocate for the petitioners.

Ms. Sapna Mordekar, Additional Government Advocate for
the respondent nos.2,3 and 4.

**CORAM : M.S. SONAK &
SMT. M.S. JAWALKAR, JJ.
DATE : 23RD OCTOBER,2020.**

P.C.:

1. Heard Mr. Chirag Shah, learned Counsel for the
petitioners and Ms. Sapna Mordekar, learned Additional
Government Advocate for the respondent nos.2,3 and 4.

2. This matter was mentioned for urgent circulation
and in view of the urgency expressed, the same was taken up
today. Shri Shah, learned Counsel states that he served the
notice of today's hearing on Mapusa Municipal Council (for

short, 'MMC'). However, today, no representation on behalf of MMC. Issue notice to the MMC, returnable on 02/11/2020. In addition to the usual mode of service private service is also permitted.

4. Till the returnable date, we direct the petitioners and the respondents including MMC to maintain status quo at the site in question. Mr. Shah, learned Counsel has already stated that the main garage structure has already been demolished. He states that what is there today at the site is one temporary structure which is to be seen in the third photograph at page 58 of the paper book. In the photograph, all that is seen is a pole and a shed covering possibly by tin or asbestos sheet. The photograph of this very structure i.e. the first photograph at page 35. Until the returnable date, the structure should not be demolished. Further, even the petitioners' so called possession should not be disturbed.

5. We also direct the Mamlatdar to visit the site today itself to take photographs, so that there is no dispute on what is the status quo. We make it clear that even the petitioners, taking

advantage of this status quo order, should not erect any structure or rebuild the demolished structure until the returnable date.

6. The respondents to file their response, on or before the next date by serving the advance copy on the learned Counsel for the petitioners. However, we direct the MMC to file response by the next date, since the main allegations, are against the MMC.

7. Mr. Shah, learned Counsel states that the petitioners' machines/tools have been confiscated by MMC without authority of law. He states that the petitioners, never permit the vehicles to be parked on the road so as to cause any obstruction and will ensure that no vehicles are parked on the road. He submits that until the returnable date, if the petitioners are prevented, even undertaking repairs in the shed at the site, they will be deprived of their source of livelihood. Accordingly, we direct the MMC to return the machines/tools, if the same have really confiscated by the MMC, forthwith.

8. Stand over to 02/11/2020.
9. All concerned to act on the basis of the authenticated copy of this order.

SMT. M.S. JAWALKAR, J.

M.S. SONAK, J.

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