

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-186-2020

Girish Mahale

... Petitioner

Versus

State of Goa & Ors.,

... Respondents.

Mr. Girish Mahale, Petitioner in person.

Ms. Maria Correia, Additional Government Advocate Advocate for the Respondents No.1, 2, 4, 5 and 6.

Mr. S. S. Kantak, Senior Advocate with Mr. P. Talaulikar, Advocate for the Respondent No.3.

Mr. Shivan Desai, Advocate for the Respondent No.7.

Mr. Vithal Naik, Advocate for Respondent No.8.

**Coram : M. S. SONAK &
M. S. JAWALKAR, JJ.**

Date : 14th September, 2020

P.C.

Heard Mr. Girish Mahale, the petitioner in person. Ms. Maria Correia, learned Additional Government Advocate appears for the respondents No.1, 2, 4, 5 and 6, Mr. S. S. Kantak, learned Senior

Advocate with Mr. P. Talaulikar, learned Advocate appear for Respondent No.3 and Mr. Shivan Desai, learned Advocate appears for the newly impleaded respondent No.7, who was alleged to have been carrying on the construction at the site in question.

2. In our Order dated 09.09.2020 at para 5, we had recorded the statement of the learned Advocate General in the following terms:

'5. At this stage, the learned Advocate General points out that as per his information, the construction is carried out by one Mr. Antonio F. Rodrigues, who has been issued construction licence by the City Corporation of Panaji. The learned Advocate General states that, copies of such permissions, will be forwarded to the petitioner at the email I.D. or by whatsapp since, his number is indicated in the cause title.'

3. Today, Mr. Kantak, submits that no permission as yet has been issued by the City Corporation of Panaji for the construction which is taking place at the site. He further points out that before the Corporation could actually consider the application for permission, the Corporation has received a communication from Smart City Development Corporation, suggesting certain revisions, taking into consideration beautification and geometrics of the roads in and around the site in question.

4. Mr. Desai, learned Counsel for the respondent No.7 also admits that as on date, there is no permission from the City Corporation of Panaji, but he points out that the Greater Panaji Planning Development Authority has already granted the necessary permissions and the construction carried out upto now was on the basis of such permissions.

5. According to us, at least, prima facie, the Respondent No.7, was not entitled to proceed without permissions from the City Corporation of Panaji. Mr. Desai, learned Counsel for the Respondent No.7, on instructions, makes a statement that no further construction will be undertaken at the site in question until and unless permission is obtained from the City Corporation of Panaji. This statement is accepted. The Respondent No.7 is directed to act in accordance with this statement. Accordingly, there will be no further construction at the site in question until, the necessary permissions from the concerned authorities are in place. However, once such permissions are in place, liberty is granted to respondent No.7 to seek variation of this order.

6. In the meantime, at the request of Mr. Mahale, we grant leave to the petitioner to challenge the permissions, if any, granted by the Greater Panaji Planning Development Authority.

7. Further, we direct the petitioner to implead the Smart City Development Corporation as respondent No.8 in this matter.

8. We issue notice to the newly impleaded respondent No.8 now, returnable on 12.10.2020.

9. The necessary amendment will be carried out within one week and copies of the amended petition will also be served upon the respondents. The petitioner will also have to take steps to serve the newly impleaded respondent at the earliest.

10. If any of the respondents wish to file any response to this petition, they are at liberty to do so on or before 08.10.2020. The copies of such responses to be furnished to the petitioner by email.

11. If the petitioner wishes to file any rejoinder, he is at liberty to do so by similarly furnishing copies to the learned Counsel for the respondents by email.

12. So far as the intervention application is concerned, the same to be considered on 12.10.2020 alongwith the main matter.

M. S. JAWALKAR, J.

M. S. SONAK, J.