

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-351-2020

Mazanias - Shree Vamaneshwar Devasthan ... Petitioners

V/s.

Town and Country Planning ... Respondents
Department & Others

Mr. Parag Rao, Advocate for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with Mr. V. Sardessai,
Additional Government Advocate for Respondent Nos.1 and 2.

Mr. Jatin Ramaiya, Advocate for Respondent No. 3.

CORAM : M.S. SONAK &

SMT. M.S. JAWALKAR, JJ.

DATE : 25TH NOVEMBER, 2020.

P. C.:

Heard Mr. P. Rao, learned Counsel for the petitioner,
Mr. D.J. Pangam, learned Advocate General with Mr. V.
Sardessai, learned Additional Government Advocate for
respondents No.1 and 2 and Mr. J. Ramaiya, learned Advocate
for respondent No.3.

2. On 24/11/2020, we made the following order:

“Heard Mr. Rao, the learned Counsel for the petitioner, Mr. Devidas Pangam, the learned Advocate General along with Mr. S.P. Munj, the learned Additional Government Advocate for respondent nos.1 and 2 and Mr. Ramaiya, the learned Counsel appearing for respondent no.3, Panchayat.

2. Since it is contended by Mr. Rao that the impugned revocation order was made without compliance with the principles of natural justice, the learned Advocate General requests that the matter be placed tomorrow so that he can obtain appropriate instructions.

*3. In the meanwhile, we issue notice to respondent no. 4, returnable on 25.11.2020. In addition to usual mode of service, private service/humdast is allowed.
4. Stand over to 25.11.2020.”*

3. Today, Mr. Rao, learned Counsel for the petitioner states that necessary service has been effected upon respondent No.4 through various modes. However, we find that the respondent No.4 is neither present in person nor represented.

4. In this petition the challenge is to the revocation order dated 13/11/2020 issued by the Deputy Town Planner, Town and Country Planning Department, Ponda-Goa, revoking the completion order issued by the same authority on 14/10/2020.

5. Mr. Rao, learned Advocate for the petitioner submits that this revocation order dated 13/11/2020 was on the basis of the complaint by the respondent No.4 made on 13/11/2020 itself. He points out that there was no show cause notice issued to the petitioner in the matter and therefore, the impugned revocation order is in breach of principles of natural justice.

6. We had adjourned the matter today, in order to enable the learned Advocate General to find out whether there was indeed any compliance of principles of natural justice before the issuance of revocation order dated 13/11/2020. The learned Advocate General today reports that there was no show cause notice issued to the petitioner prior to the issuance of the impugned revocation order dated 13/11/2020.

7. Since, the impugned revocation order dated 13/11/2020 certainly visits the petitioner with civil consequences, the same,

should have been preceded by compliance of principles of natural justice. On this short ground we set aside the impugned revocation order dated 13/11/2020.

8. The learned Advocate General now states that the appropriate authority will issue the petitioner necessary show cause notice and thereafter dispose the show cause notice in accordance with law by affording opportunity of hearing not only to the petitioner but also to respondent No.4, who is the complainant in the matter. The authorities, obviously, have liberty to proceed in accordance with law.

9. All the contentions of all parties including the petitioner and the respondent No.4 have however kept intact.

10. In case, any adverse order is made against the petitioner, then, the same, should not be given effect for a period of two weeks from the date of its communication to the petitioner.

11. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

12. All concerned to act on the basis of the authenticated copy of this order.

SMT. M.S. JAWALKAR, J.

M.S. SONAK, J.

MV