



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.267 OF 2024

GAURAV KRISHNA NAIK ... PETITIONER

Versus

**THE STATE OF GOA, THR.
ITS CHIEF SECRETARY,
AND 3 ORS. ... RESPONDENTS**

Mr Varun Bhandanker, Advocate for the Petitioner.

Mr Suhas Parab, Additional Government Advocate for
Respondent Nos.1 and 2.

Mr A. Govekar holding for Mr Deepak Gaonkar, Advocate for
Respondent No.3.

Mr S.S. Kantak, Senior Advocate with Mr I. Agha, Mr S. Kher,
Ms Neha Kholkar and Ms V. Fernandes, Advocates for
Respondent No.4.

Mr Manish Salkar, Government Advocate for Respondent No.5.

**CORAM: M. S. KARNIK &
 VALMIKI MENEZES, JJ.**

DATE: 28th AUGUST 2024

P.C. :

- 1.** Heard learned Counsel for the petitioner.
- 2.** Mr Kantak, learned Senior Counsel appearing for
respondent no.4 has raised an objection that the present

petition is not filed bonafide. It is further submitted that this petition is more in the nature of public interest litigation, as the petitioner is in no way concerned with the subject matter involved in the petition nor he is the resident of Village Arambol.

3. Learned counsel for the petitioner submitted that the construction of respondent no.4 is unauthorised and on Government land.

4. Learned Senior Advocate appearing for respondent no.4 submitted that even so far as the said issue is concerned, Alvara proceedings and land revenue proceedings are pending before the Collector since 05.07.2018.

5. The proceedings pending before the Collector will have to be dealt with expeditiously since the matter has been pending since 2018. The Collector may consider initiating appropriate proceedings for the removal of unauthorised construction if the situation so arises.

6. The grievance is about respondent no.4 encroaching into the Government land. Obviously, if such is the position, the Collector is bound to take action against respondent no.4. The

Collector is requested to decide the application which is at page 62 of the petition expeditiously and in any case within a period of three months from today.

7. Presently, the premises are sealed pursuant to the order passed by this Court on 13.03.2024, as the commercial establishment was operating without consent to operate. Learned Senior Advocate submits that an application will be made to the GSPCB for such consent to operate. Upon GSPCB passing orders on the application for consent to operate, liberty to respondent no.4 to apply to this Court. The GSPCB to decide the application expeditiously.

8. In this view of the matter, learned counsel for the petitioner submits that he may be permitted to withdraw the petition with liberty to take steps in accordance with law. Liberty as prayed for is granted. We have not made any observations on the merits of the respective contentions. All contentions of the parties are kept open. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.