

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.100 OF 2024

ESDEE INFRACON PVT.
LTD REP BY ITS
DIRECTOR SACHIN
DEWAN

... PETITIONER

Versus

STATE OF GOA THR ITS
CHIEF SECRETARY AND
3 ORS.

... RESPONDENTS

Mr Varun Bhandanker, Advocate for the Petitioner.
Ms Maria Correia, Additional Government Advocate for
Respondent Nos.1 and 2.

**CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE: 31st JANUARY 2024

P.C. :

- 1.** Heard Mr Bhandanker for the petitioner and Ms Maria Correia, learned Additional Government Advocate for respondent nos.1 and 2.
- 2.** Ms Correia points out that as against the Deputy Collector's orders dated 14.09.2023, the petitioner has an alternate and efficacious remedy available under Section 7 of the Goa Regularization of Unauthorised Construction Act, 2016 (said Act).

3. Mr Bhandanker states that a remedy of appeal under Section 7 of the said Act would be available only to a person whose application seeking regularization has been denied by the Deputy Collector.

4. On a plain reading of Section 7 of the said Act, the above contention cannot be accepted. Even otherwise, a Coordinate Bench of this Court in *Shri Anil Vasant Parmekar V/s. State of Goa & Ors.* (Writ Petition No.943/2023 decided on 11.01.2024) has held that an appeal is maintainable at the behest of the complainant on whose complaint the structure, which is now regularized, was adjudged as unauthorised in the first place.

5. Since the petitioner has an alternate and efficacious remedy by way of an appeal, we do not propose to entertain the present petition leaving it open to the petitioner to avail of an alternate remedy of appeal.

6. Accordingly, this petition is not entertained but liberty is granted to the petitioner to avail of the alternate remedy of appeal under the said Act, if he chooses to. All contentions of all parties on merits are left open.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.