

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 10 OF 2024
IN
CONTEMPT PETITION NO. 8 OF 2023
IN
WRIT PETITION NO. 224/2023

MARIANA M. GONSALVES & ANR. ... PETITIONERS

Versus

CRISPINO SANTO DIAS SAPECO
AND TWO OTHERS. ... RESPONDENTS

Ms Nishad Sonadevi, Advocate for the Petitioners.
Mr D.J. Pangam, Advocate General with Mr Prashil Arolkar, Addl.
Govt. Advocate for the Respondent-State.
Mr Vithal Naik, Advocate for Respondents No. 3 and 4.
Mr Ravi Gawas, Advocate for Respondent No. 5.
Mr Deepak Gaonkar, Advocate for the Village Panchayat of St. Cruz.

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

DATED : 3rd April 2024.

P.C.:

1. Heard the learned Counsel for the parties.

2. On 19th March 2024, on noticing that there was *prima facie* breach of the undertakings furnished by Respondents No.3, 4 and 5, we made the following order :

“ P.C.

This is the contempt petition alleging non-compliance with our orders.

2. *In Contempt Petition No.8 of 2023, Respondent Nos. 3, 4, and 5 gave undertakings that they would demolish the constructions put up by them on the first floor within three months. This is recorded by us in our orders dated 09.08.2023 and 30.08.2023.*

3. *Mr Coutinho, learned counsel for the Petitioners points out that despite these undertakings, no demolitions have been carried out. Today, neither the third, fourth and fifth Respondents are present in person nor is there any Advocate representing them.*

4. *Considering the above circumstances, including the fact that our initial orders were not complied with and now the solemn undertakings given before this Court are also not complied with, we direct the Panchayat of St. Cruz to carry out the demolition of the constructions put up by third, fourth and fifth Respondents on the first floor as expeditiously as possible and in any case within two weeks from today.*

5. *A copy of this order must be communicated to Mr Deepak Gaonkar, learned counsel for the Panchayat. Mr Gaonkar is requested to immediately communicate this order to the Panchayat for compliance.*

6. *Besides since the third, fourth, and fifth Respondents prima facie have breached the undertakings given to this Court and have not even bothered to either seek any extension of time or offer any justification, we direct the issue of bailable warrants to secure their presence on 03.04.2024. The registry to take necessary steps for the execution of these bailable warrants.*

7. *Stand over to 03.04.2024.*

8. *All concerned to act on an authenticated copy of this order.”*

3. Today, the learned Counsel for Respondents Nos. 3, 4, and 5, on instructions, submit that the demolition of the first floor is complete to the extent of 80%. They state that the balance of the work will also be completed within three weeks. Respondents Nos. 3 and 4 have also filed an affidavit and enclosed photographs of the ongoing demolition works.

4. On instructions, the learned Counsel for Respondents No.3, 4 and 5, once again undertake that Respondents No.3, 4 and 5 will complete the demolition within a maximum of 4 (4) weeks from today and file necessary compliance reports with the Village Panchayat. A copy of such compliance report will be furnished to Ms Nishad, learned Counsel for the Petitioners.

5. The Panchayat must visit the site and confirm whether the demolition has been carried out in accordance with the undertakings given by Respondents Nos. 3, 4, and 5. The Panchayat must also file a compliance report in this Court, verifying compliances.

6. Ms Nishad points out that this is the second time the Petitioners were forced to come to this Court to secure compliance. Considering this position, it is only appropriate that Respondents No.3,4 and 5 pay costs of ₹15,000/- to the Petitioners. The learned Counsel for Respondents No.3, 4 and 5 state that the costs of ₹15,000/- will be paid to the Petitioners within a week from today. This statement is also accepted.

7. Now that the Respondents are complying with their own undertakings and have tendered an unconditional apology, we discharge the contempt notice and dispose of this Contempt Petition.

8. The Contempt Petition is disposed of in the above terms.

VALMIKI MENEZES, J.

M.S. SONAK, J.

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SHRIDHAR
MHAMAL

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