



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 27 OF 2024
IN
WRIT PETITION NO. 710 OF 2023

NAKUL ATMA CHODANKAR

... Petitioner

Versus

ZAIDEV R. ALDONKAR

...Respondent

Mr Prasheen Lotlikar and Mr Bhavesh Lotlikar, Advocates for the petitioner.

Mr D. Pangam, Advocate General with Mr S. Priolkar, Additional Government Advocate for the respondent.

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

DATED : 14th OCTOBER 2024

P.C.:

1. Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner alleges the breach of the order dated 27.03.2024 passed by this Court in Contempt Petition No.11 of 2024. According to the learned counsel for the petitioner, the Deputy Town Planner has not complied with the order dated 27.03.2024.

3. Learned Advocate General produced on record a communication dated 01.02.2024 addressed to the

Sarpanch/Secretary of Village Panchayat of Pirna, Bardez Goa. Learned Advocate General was at pains to point out that this communication dated 01.02.2024 is in fact an order disposing of the complaint in terms of the order dated 27.03.2024 passed by this Court and in compliance with the earlier decision.

4. We have perused the communication dated 01.02.2024. The said communication reads thus: -

*“OFFICE OF THE SENIOR TOWN PLANNER
Town & Country Planning Dept., North Goa District Office,
302, Govt. Building Complex, Mapusa, Bardez Goa.*

Ref. No.:TPB/4471/PIRNA/TCP-2024/1091 Dated 01.02.2024

*To,
The Sarpanch/Secretary,
Village Panchayat of Pirna,
Bardez Goa.*

*Sub:- Writ Petition No.710 of 2023 in the High Court of
Bombay at Goa.*

Ref.: Personal hearing conducted on 17/01/2024.

Sir/Madam,

This has reference to the personal hearing conducted on 17.01.2024 by the undersigned as per the Order passed in Writ Petition No.710 of 2023 in the High Court of Bombay at Goa, with regards to the proposed construction of residential house and

compound wall in property bearing Sr.No.13/5 of village Pirna Bardez Taluka by Mr. Sitaram Roguvir Chodankar & Ors.

In this regard, it was observed based on the personal hearing that the matter pertains to the ownership over the property.

In view of the above, as per the condition at Sr.No.12 of the Technical Clearance order issued by this office vide ref. No.TPB/4471/PIRNA/TCP/18/2447 dtd. 27/06/2018 and subsequent transfer of Technical Clearance in the name of legal heirs issued by this office vide no.TPB/4471/PIRNA/TCP-19/6196 dtd 27/12/2019, the ownership over the property needs to be verified at your end.

Hence, in this regard you are requested to look into the matter and action may be initiated accordingly.

This is for your kind information.

Yours faithfully,

*Sd/-01/2/2024
(Zaidev R. Aldonkar)
Dy. Town Planner”*

5. We find that the communication dated 01.02.2024 was not placed for consideration of this Court when the Contempt Petition No.11 of 2024 was disposed of by order dated 27.03.2024. Learned Advocate General submits that this was an inadvertent error as no notice of the Contempt Petition was issued to the

Deputy Town Planner. Learned Advocate General submitted that the spirit of the order dated 27.03.2024 is that if the complaint is not disposed of, the same should be disposed of in terms of the directions stipulated in the order dated 27.03.2024.

6. A perusal of the communication dated 01.02.2024 reveals that the Deputy Town Planner has observed that as per the condition at Sr. No.12 of the Technical Clearance order dated 27.06.2018 and subsequent transfer of Technical Clearance issued by their office in the name of legal heirs, the ownership over the property needs to be verified by the Sarpanch/Secretary of Village Panchayat of Pirna at their end. The Deputy Town Planner, therefore, requested the Sarpanch/Secretary of the Village Panchayat of Pirna to look into the matter and initiate action accordingly. Factually, such communication was not served on the petitioner. As reflected in the communication dated 01.02.2024, the personal hearing was conducted on 17.01.2024. There is no clarity from the communication dated 01.02.2024 as to whether the effect of such communication is disposing of the complaint in terms of the directions of this Court. In this view of the matter, we are of the view that it would be appropriate to extend the time to decide the complaint in terms of the order dated 27.03.2024 by a further period of four weeks from 22.10.2024. The petitioner to remain present before the Deputy Town Planner on 22.10.2024 at

3.00 p.m. when the Deputy Town Planner should give a personal hearing to the petitioner and then pass an appropriate order in compliance with the earlier order dated 01.11.2023 and order dated 27.03.2024 passed by this Court. Considering that the time for compliance with the order dated 01.11.2023 passed by this Court is extended by a further period of four weeks from 22.10.2024, the present Contempt Petition stands disposed of.

VALMIKI MENEZES, J

M. S. KARNIK, J