

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.293/2024

ATMARAM NAIK

... PETITIONER

Versus

THE STATE OF GOA THR. THE CHIEF
SECRETARY AND ORS.

... RESPONDENTS

Ms Seema Rivankar, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr S. Parab, AGA for the
State.

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

DATE: 10th APRIL 2024

P.C.:

1. Heard Ms Seema Rivankar for the petitioner. Mr D. Pangam, learned AG appears with Mr S. Parab, learned AGA for the first and second respondents.
2. For the order that we propose to make, no notices are necessary to the third, fourth and fifth respondents.
3. Petitioner's grievance is that the fifth respondent has embarked upon an illegal construction despite petitioner's complaints, no action has been taken by the third and fourth respondents who have a duty to prevent illegal constructions from mushrooming in the locality.

4. Ms Rivankar pointed out that the third respondent issued a notice for site inspection but failed to carry out the site inspection. The fourth respondent has not taken any cognizance of the petitioner's complaints. In the meanwhile, the construction is proceeding.

5. Considering the material placed on record, we direct the third and fourth respondents to hold a site inspection within a week from the petitioner placing before them an authenticated copy of this order. If the third and fourth respondents find that any illegal construction is proceeding, they must, take action in accordance with law to stop further constructions and issue a show cause notice to the fifth respondent to show cause as to why such illegal construction should not be demolished. If the show cause notice is issued, the same should be disposed of within three months from the date of its issue, by complying with due procedures and the principles of natural justice and fair play.

6. We clarify that we have not examined the issue of illegality or otherwise of the construction being undertaken by the fifth respondent. These are matters for the third and fourth respondents to examine in the first instance. However, the third and fourth respondents cannot refuse to address the petitioner's complaints or do nothing for some unreasonable length of time particularly when the allegation is that the fifth respondent is proceeding with the construction without any permissions or otherwise in breach of the law.

7. The petitioner to place an authenticated copy of this order before the third and fourth respondents. The respondents should act based on an authenticated copy of this order.

8. With the above directions, we dispose of this petition. There shall be no order for costs.

9. All concerned to act on an authenticated copy of this order.

VALMIKI MENEZES, J.

M. S. SONAK, J.