
(2017) 08 BOM CK 0151
In the Bombay High Court
Case No : 329 of 2017

LT. COL. ALBIN FERNANDES

APPELLANT

Vs

STATE OF GOA, & ORS.

RESPONDENT

Date of Decision : 22-08-2017

Acts Referred:

Citation : (2017) 08 BOM CK 0151

Hon'ble Judges : G.S.Patel, Nutan D. Sardessai

Bench : DIVISON BENCH

Advocate : Rohit Bras De Sa, Dattaprasad Lawande, A Jamadar, G Naik

Judgement

1. Heard. Rule. Returnable forthwith. By consent, taken up for hearing and final disposal.
2. The Respondent Nos 1, 2 and 3 are present and waive service.
3. Respondent No 3, the Village Panchayat of Siolim, was directed by an order dated 5th October 2011 passed by the Deputy Director of Panchayat (N) Panaji Goa, to issue a construction licence to the Petitioner. The Petitioner was allowed to carry out construction in accordance with the approved plan, and the order of 8th June 2007 of the Block Development Officer of Bardez was set aside. There is also no dispute that the 3rd Respondent Panchayat is bound to renew the licence.
4. The Petition adequately sets out that the Town and Country Planning Department granted a technical clearance order and that the objections by the 3rd Respondent that there is a nalla which justifies the refusal to grant - or inaction in granting - a construction licence is without basis. The 3rd Respondent Panchayat cannot, simply by refusing to issue the construction licence, defeat the Petitioner's legitimate rights in this fashion. The Petitioner is a retired Officer of the Indian Army and this is his retirement home. He has complied with every requirement of law.
5. The 3rd Respondent will issue the necessary construction licence and keep it

revalidated. That construction licence will be issued on or before 31st August 2017.

6. While we are disposing of this petition by this order, we keep it for compliance and orders on 6th September 2017.