
(2014) 12 BOM CK 0244
In the Bombay High Court
Case No : Writ Petition No. 314 of 2014

Rohini B. Mandrekar

APPELLANT

Vs

State of Goa and Others

RESPONDENT

Date of Decision : 22-12-2014

Acts Referred:

Citation : (2015) 4 BomCR 590

Hon'ble Judges : M.S. Shah, C.J;F.M. Reis, J

Bench : Division Bench

Advocate : V. Menezes, Advocate for the Appellant; A.N.S. Nadkarni, Gen. and Pravin Faldessai, Addl. Govt. Adv., Advocate for the Respondent;

Final Decision : Partly Allowed

Judgement

F.M. Reis, J.

1. Heard Shri V. Menezes, learned Counsel appearing for the petitioner, Mr. A.N.S. Nadkarni, learned Advocate General appearing for the respondent Nos. 1, 4 to 7, Mr. P. Sawant, learned Counsel appearing for the respondent No. 2 and Mr. Sudesh Usgaonkar, learned Counsel appearing for respondent Nos. 8 to 19. The above petition, inter alia, seeks to direct the respondent Nos. 1 to 7 to demolish the illegal structure and to disconnect the electricity connection to such structure.

2. At the time of the hearing of the above petition on the earlier occasions, it was brought to our notice that the GCZMA-respondent No. 5, had initiated proceedings with regard to the structure in dispute for violations of the provisions of the CRZ Regulations. When the matter was taken up for hearing, Shri A.N.S. Nadkarni, learned Advocate General, appearing for the respondent Nos. 1 and 4 to 7, has produced an Order dated 5.12.2014 thereby holding that the disputed structure is contrary to the CRZ Regulations and, consequently, directing the private respondents to demolish such structure within a period of fifteen days.

3. Shri Usgaokar, learned Counsel appearing for the private respondents, pointed out that the respondents have already initiated proceedings to challenge such Order before the Competent Authority. The learned Counsel appearing for the panchayat-respondent has pointed out that the application for regularisation filed by the private respondents, is held not maintainable as the disputed structure is in contravention of the CRZ Notification as held in the said Order passed by the respondent No. 5.

4. Considering the above, we find that no useful purpose would be served by keeping the petition pending. The concerned authority shall act in terms of the Order passed by the GCZMA dated 20.12.2014 subject to the rights, if any, of the private respondents to challenge the Order before the Competent Authority. In case the private respondents get any relief with that regard, the respondents shall be at liberty to revive the request for regularisation in accordance with law. Rule stands disposed of in the above terms with no orders as to costs.