
(2017) 09 BOM CK 0007
In the Bombay High Court
Case No : 597 of 2017

SHANKAR GANPAT NAIK

APPELLANT

Vs

SANKHALI MUNICIPAL COUNCIL

RESPONDENT

Date of Decision : 11-09-2017

Acts Referred:

Citation : (2017) 09 BOM CK 0007

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

Bench : DIVISON BENCH

Advocate : Anthony D'Silva, SD Padiyar

Judgement

1. Rule, returnable forthwith. By consent, taken up for hearing and final disposal. Learned Counsel appearing for the Respondents waives service.
2. The Petitioner is a mundkar of a house bearing no 173 (old) no 3/760 (new), admeasuring an area of about 124 square metres in the property known as "Gawthan Wado" in the Village of Maulinquem, Bicholim Taluka. There are proceedings under the Goa Mundkars (Protection from Eviction) Act 1975. These are presently unimportant.
3. The dispute between the Respondent Municipal Council and the Petitioner relates to a regularisation permission of a residential house within the plinth area on this property. According to the Respondent, prior permission of the Town & Country Planning Department is necessary before the Respondent Council can consider any application for regularisation.
4. The Petitioner has on 1st September 2017 applied for the necessary permission from the Town and Country Planning Department. On receipt of that permission, he, through his Advocate, will apply to the Respondent Council for the necessary regularisation permission.
5. For its part, the Respondent Council states through Mr Padiyar that on receipt of a regularisation application accompanied by an appropriate Town and Country

Planning permission, the Petitioner's regularisation application will be considered within four weeks from the date of its receipt. If the regularisation proposal is rejected, no coercive steps for demolition or the like will be taken against the Petitioner's construction for a period of three weeks after the order is communicated and the Petitioner will have liberty to file a fresh Petition if required. The Petitioner may also file a fresh Petition if the regularisation proposal is not considered within the time mentioned above.

6. We accept the statements on both sides. The Petition is disposed of in these terms and Rule is made absolute in these terms.

7. For its part, the Town and Country Planning Department, acting on a production of an authenticated copy of this Order, will process the Petitioner's application of 1st September 2017 for permission within a period of six weeks from today.