

dishanagvekar

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.1280 OF 2025 (F)

WITH

MISC.CIVIL APPLICATION NO.2286 OF 2025 (F)

MISC.CIVIL APPLICATION NO.1280 OF 2025 (F)

IN

WRIT PETITION NO.99 OF 2025 (F)

JEANETTE FERNANDES

... APPLICANT

Versus

THE STATE OF GOA, THR. THE CHIEF

SECRETARY AND 16 ORS

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.2286 OF 2025 (F)

JEANETTE FERNANDES

... APPLICANT

Versus

THE STATE OF GOA, THR. THE CHIEF

SECRETARY AND 16 ORS

... RESPONDENTS

Mr. Rohit Bras De Sa with Ms. Priti S. Deshprabhu and Mr. Joel Nicolau Pinto, Advocates for the Applicant.

Mr. Geetesh Shetye, Additional Government Advocate for Respondent Nos. 1 to 5, 7, 8, 10 to 14.

Mr. Manish Salkar, Advocate for Respondent No.9.

Mr. Shivan Desai with Ms. Riya Amonkar, Advocates for Respondent Nos. 15 to 17.

**CORAM:- VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED :- 5th May, 2026

P.C.:

The application seeks inspection and a report from the Town Planning Department in respect of structures and/or land filling allegedly being carried out by Respondent Nos. 14 and 15 on land

bearing Survey Nos. 101/1 and 101/2 of Village Nerul.

2. From the record, we find that the land under Survey No. 101/2 has already been inspected by the Town and Country Planning Department, Mapusa, and a report to that effect dated 08/05/2025 is on record. According to the said report, the residents of Villas C1 and C2 provided access to the Town Planner for inspection of the survey holding, and the report reveals that land filling is being carried out at the site. Considering that a report is already available on record, we deem it appropriate not to direct a second inspection of the same survey number.

3. In so far as inspection of land under Survey No. 101/1 is concerned, Mr. Desai, learned Counsel appearing for Respondent Nos. 15 to 17, has submitted that a Civil Suit was pending between the said Respondents and the Petitioner in respect of the very same reliefs as sought in the present petition. It is now a matter of record that the said Civil Suit, being RCS No. 140/2024, has been withdrawn on 04/05/2026. In view of the withdrawal of the suit, any report of inspection conducted by the Town Planner would not be used in the said proceedings.

4. Be that as it may, since allegations have been raised in the petition to the effect that Respondent Nos. 15 to 17 have constructed structures on land bearing Survey No. 101/1 beyond the plan approved

by the Town Planner, Mapusa, it would be appropriate for the site to be inspected by the Town Planner or an officer deputed by him.

5. Accordingly, the Town Planner shall inspect the land under Survey No. 101/1 and file a report within a period of six weeks from today. The report shall specify all structures existing on the site and, in comparison with the approved plan, shall clearly indicate any structures, if any, constructed beyond the sanctioned approval. The Town Planner shall also report on any other development carried out at the site beyond the approval. Photographs of the site shall be placed on record, and the report shall be accompanied by a plan depicting the structures at the site. The Town Planner shall also inspect the Petitioner's structures bearing Nos. C1 to C5 and indicate the same on the plan.

6. All questions and objections raised by Respondent Nos. 15 to 17 are kept open, including objections as to maintainability on the grounds of suppression of facts relating to the pendency of the Civil Suit and the availability of an alternative remedy.

7. The inspection, as agreed by all parties, shall be conducted on 14/05/2026 at 10:00 a.m. No further notice shall be required to be given to the parties, and this order shall constitute sufficient notice to the Petitioner as well as Respondent Nos. 15 to 17, who shall remain present at the site or depute their duly authorised representatives.

8. In the event of any change in the date or time of inspection, the Town Planner may inform the learned Advocates for the respective parties telephonically.

9. In view of the apprehension expressed by the learned Advocate appearing for the Town Planner regarding the possibility of any untoward incident at the site, considering the past conduct of the parties, the Police Inspector of Porvorim Police Station is directed to depute police personnel at the site on the appointed date and time to ensure that the inspection is carried out smoothly. The Registrar (Judicial) of this Court shall inform the Police Inspector, Porvorim Police Station, by email.

10. List this matter on 23/06/2026.

AMIT S. JAMSANDEKAR, J. VALMIKI MENEZES, J.