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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.39 OF 2026

MONICA T ROCHA

... PETITIONER

Versus

STATE OF GOA THR ITS CHIEF
SECRETARY AND 7 ORS

... RESPONDENTS

Mr. Shivraj Gaonkar, Advocate for the Petitioner.

Mr Rishikesh Gawas, Additional Government Advocate for
Respondent Nos.1, 2, 3 and 4.

Mr. Arjun Naik and Mr Yash Signapurkar, Advocate for
Respondent Nos. 6 and 7.

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

DATED :- 8th April, 2026

P.C.

Mr. L. Pednekar, learned Counsel, submits that he has issued notice of withdrawal of his appearance to Respondent Nos. 6 and 7. In view of the fact that Mr. Naik has now entered appearance for Respondent Nos. 6 and 7 and undertakes to file his vakalatnama within a period of one week from today, Mr. Pednekar stands discharged.

2. We have called upon Respondent Nos. 6 and 7 to make a statement as to whether they possess the following permissions/licences in respect of the structure wherein a hotel and cafe are being run on land bearing Survey No. 25/4 of Village Nachinola, Bardez, Goa:

(i) Technical approval from the Town and Country Planning

Department;

(ii) Licence for construction under Section 66 of the Goa Panchayat Raj Act;

(iii) Consent to operate from the Pollution Control Board;

(iv) Occupancy certificate;

(v) NOC from the Health Department;

(vi) Approved building plan;

(vii) Permission from the Food and Drugs Administration for running the cafe and hotel.

3. Though the Petition was served on 23.01.2026, no affidavit-in-reply has been filed by Respondent Nos. 6 and 7. Even today, learned Counsel for Respondent Nos. 6 and 7 submits that he has no instructions to state whether the aforesaid permissions/licences were obtained prior to the construction and operation of the hotel and cafe in the said property.

4. Learned Additional Government Advocate appearing for the Town and Country Planning Department states, on instructions, that no licence/permission has been granted to Respondent Nos. 6 and 7 for the construction of the said structure.

5. A perusal of the survey records indicates that the name of one Mr. Uttam Vaigankar appears in the tenant column, whom Respondent Nos. 6 and 7 claim to be their grandfather.

6. Learned Additional Government Advocate appearing for the Administrator of Comunidade submits that a complaint has been received and is under consideration, inter alia, alleging that the

construction is on tenanted land governed by the Agricultural Tenancy Act.

7. At this stage, Respondent Nos. 6 and 7 contend that the structure is a mundkarial structure.

7a. Having regard to the aforesaid facts, this is a fit case where immediate action for closure of operations in the said premises may be warranted. However, before passing such directions, it is necessary to ascertain the exact nature and extent of construction and whether any permissions/licences, as referred to hereinabove, have in fact been granted.

8. Accordingly, we pass the following directions:-

(i) The Town and Country Planning Office, Mapusa, along with the Secretary of Village Panchayat Nachinola, shall conduct a joint inspection of the subject property within a period of one week from today and submit a report to this Court along with a plan depicting the exact nature and extent of the structure constructed on land bearing Survey No. 25/4 of Village Nachinola, Bardez, Goa.

(ii) The report shall also specifically state whether any permissions/licences have been granted by the Village Panchayat Nachinola or any other authority, including the Food and Drugs Administration, Collector, and Health Department.

(iii) The Deputy Collector of Bardez shall file a separate report indicating the nature of the property and whether any permission for change of land use has been obtained, in light of the provisions of Section 2 of the Goa Land Use (Regulation) Act, 1991.

(iv) All the aforesaid reports shall be accompanied by photographs of the site.

9. The aforesaid reports shall be placed on record on or before 28.04.2026.

10. List the matter on 28.04.2026.

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