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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 :- 28th April, 2026

P.C.

1. The learned Additional Government Advocate has placed on record Site Inspection Report of the Deputy Town Planner in compliance with our directions on 08.04.2026.

2. The report of site inspection states that the structures constructed on land under Survey No. 25/4 of the Village Panchayat of Nachinola consist of three shops for commercial use, all at ground floor level. The extent of the construction is shown on a sketch superimposed on the survey plan of the said land. The structure consists of steel fabricated shades with GI steel roof and has a setback of only 0.40 meters from the edge of the road.

3. According to the office record of the Deputy Town Planner, there is no technical clearance granted for the construction. Photographs are annexed to the report of the Deputy Town Planner.

4. Similarly, the Deputy Collector & SDO-II, Mapusa, Goa, has also inspected the site, and his report states that the land is designated as a paddy field under rice cultivation. The total area of 1350 sq. mts. is utilized after constructing the structure thereon, for commercial purposes.

5. The Deputy Collector has opined that there is no permission to change the use of the land under Section 2 of the Goa Land Use (Regulation) Act, 1991, and the name of the grandfather of Respondent No. 6 figures in the tenantâ€™s column.

6. On the aforementioned facts, clearly, the land in question is a tenanted paddy field under the provisions of the Goa Land Use (Regulation) Act, 1991, which squarely apply. The structure in question has no technical clearance from the Town and Country Planning (TCP) Department nor from the Panchayat. Commercial activities are carried out in the three shops, which are referred to by the Deputy Collector, in the report.

7. All these facts only lead to the conclusion that the entire structure

is constructed without license, contrary to the provisions of the aforesaid Acts. So also, the structure, prima facie, has been constructed contrary to the provisions of Section 33 of the Goa Land Revenue Code, 1968.

8. We note that the Panchayat, despite all these facts, has still issued a trade license to Respondent No. 6, on the basis of which Respondent No. 6 is carrying out the commercial activities of running the said shops.

9. The Panchayat, though served, has not put in appearance.

10. The Secretary of the Village Panchayat of Nachinola shall remain present on the next date of hearing, i.e., on 05.05.2026.

11. In the light of all these facts, the Secretary, who has been a party to the inspections carried out by the Deputy Town Planner and by the Deputy Collector, Bardez, pursuant to the orders of this Court, has still not taken any action against the illegal structures.

12. We deem it appropriate to request the Director of Panchayats to inquire into the circumstances under which the Secretary of Village Panchayat Nachinola despite all these material reports, has not proceeded under Section 66 of the Goa Panchayat Raj Act, 1994. The Directorate of Panchayats shall take such action as it deems fit.

13. List this matter on 05.05.2026, by which date the Respondent No. 6 shall file an affidavit.

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