

ITEM NO.26

COURT NO.15

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 4127-4128/2025

[Arising out of impugned Interim order dated 25-11-2024 in WP No. 54/2023 25-11-2024 in WP No. 414/2023 passed by the High Court of Judicature at Bombay at Goa]

GOA UNIVERSITY

Petitioner(s)

VERSUS

STATE OF GOA & ORS.

Respondent(s)

Date : 17-02-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) :Mr. Pratap Venugopal, Sr. Adv.  
Mr. Amarjit Singh Bedi, Adv.  
Ms. Surekha Raman, Adv.  
Mr. Shreyash Kumar, Adv.  
Mr. Imlikaba Jamir, Adv.  
Mr. Harshit Singh, Adv.  
M/S. K J John And Co, AOR

For Respondent(s) :Mr. Shiven Dessai, Adv.  
Mr. Salvador Santosh Rebello, AOR  
Mr. Anirudh Sardessai, Adv.  
Mr. Gautam Sharma, Adv.  
Mr. Raghav Sharma, Adv.  
Ms. Kritika, Adv.  
Mr. Jaskirat Pal Singh, Adv.  
Ms. Pooja Gill, Adv.

UPON hearing the counsel the court made the following  
O R D E R

1. We have heard Mr. Pratap Venugopal, learned senior counsel appearing for the petitioner-Goa University and Mr. Shiven Desai, learned counsel appearing for the

respondent No.4.

2. The High Court in the impugned order, has, in para Nos.31 and 32, observed as under :

*"31. Since we have concluded that the compound wall constructed by the University along the periphery of Survey Nos. 194, 195, 196 and 226 belonging to the University and contiguous to lands under Survey Nos.193, 197 and 198 belonging to Dr. Suresh Shetye was not accorded any regularization by the NGPDA under its order dated 24.07.2018, it is obvious that a direction would be issued to the NGPDA to act upon the complaint dated 08.09.2022 of Dr. Suresh Shetye and to take appropriate action in terms of the provisions of the Town and Country Planning Act as it deems fit. Needless to state, that in the event of the University now seeking regularization of the aforementioned compound wall, it would be open to the NGPDA to consider the same in terms of the provisions of the Act and impose such conditions of regularization as it deems fit considering the contentions raised by Dr. Suresh Shetye or for that matter considering the site conditions and the proposed ODP.*

*32. Consequently, we pass the following order:*

- i. Writ Petition No. 414/2023 is dismissed.*
- ii. In Writ Petition No.54/2023, Rule is made absolute in terms of prayer clause (a).*
- iii. In the event of the University now seeking regularization of the compound wall referred to in paragraph 31 above, it would be open to the NGPDA to consider the same in terms of the provisions of the Act*

*and impose such conditions of regularisation as it deems fit considering the contentions raised by Dr. Suresh Shetye or for that matter considering the site conditions and the proposed ODP; the regularisation application if made shall be disposed of within a period of six weeks from the date of this order.*

*iv. No costs.*

*V. Pending Misc. Civil Applications, if any, stand disposed of."*

3. The grievance of Mr. Pratap Venugopal, learned senior counsel is that the NGPDA (North Goa Planning and Development Authority) should, while deciding the matter pursuant to the impugned order of the High Court, decide the same independently uninfluenced by any of the observations.

4. Having considered the submissions, we direct that the NGPDA will consider the matter independently uninfluenced by any of the observations. It will decide the application of the University and the objection of the 4<sup>th</sup> respondent on its own merits.

5. All contentions of the parties are left open.

6. The parties are at liberty to furnish such other documents that are relevant for consideration of the matter by the NGPDA. NGPDA may pass a suitable order after perusal of all the concerned original records.

7. With the above observations, the Special Leave Petitions are disposed of. Pending application(s), if any, shall stand disposed of.

8. We make it clear that we have not observed on the merits of the matter. Considering the fact that it is an old matter, we direct the NGPDA to dispose of the matter within 12 weeks from today.

(Ram Subhag Singh)  
Assistant Registrar

(Geeta Ahuja)  
Assistant Registrar-cum-PS