

complainant submit that even the ground plus first floor cannot be regularized, inasmuch as the same is without permission.

5. We do not wish to go into that aspect of the matter.

6. The GCZMA is a competent authority to consider the question as to whether the ground plus first floor of the appellant can be regularized or not.

7. Therefore, we are inclined to remand the matter since the appellant on his own has demolished the construction of the second floor.

8. In that view of the matter, the matter is remitted back to the GCZMA for considering the limited aspect as to whether the construction of the ground plus first floor of the appellant could be regularized or not.

9. Needless to state that the order of demolition shall stand in abeyance till the GCZMA decides the issue, as aforesaid.

10. Further, needless to state that in the event, the GCZMA comes to a finding that the construction of the ground plus first floor is entitled to be

regularized, the order of demolition shall cease to exist.

11. The appeal is disposed of in the above terms.

12. Pending application(s), if any, stand disposed of.

.....J
(B.R. GAVAI)

.....J
(PRASHANT KUMAR MISHRA)

New Delhi
October 19, 2023

ITEM NO.37

COURT NO.4

SECTION XVII

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

Civil Appeal No(s). 2917/2020

MARTINHO XAVIER FERNANDES

Appellant(s)

VERSUS

THE STATE OF GOA & ORS.

Respondent(s)

(IA No.73529/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.73528/2020-STAY APPLICATION, IA No. 75319/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Appellant(s)

Mr. Ninad Laud, Adv.

Mr. Ivo D Costa, Adv.

Ms. Rashika Narain, Adv.

Ms. Anshula Vijay Kumar Grover, AOR

For Respondent(s)

Ms. Mukti Chowdhary, AOR

Mr. Abhay Anil Anturkar, Adv.

Mr. Dhruv Tank, Adv.

Mr. Aniruddha Awalgaonkar, Adv.

Ms. Surbhi Kapoor, AOR

Mr. Salvador Santosh Rebello, AOR

Mr. Raghav Sharma, Adv.

Mr. Ankit Kumar, Adv.

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

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)