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**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.739 OF 2026**

RYAGO HOMES PVT. LTD. THR. ITS
DIRECTOR AKSHAY CHAUDHRY ... Petitioner

Versus

STATE OF GOA THR. ITS CHIEF
SECRETARY AND 2 ORS. ... Respondents

Mr Shivan Desai with Ms Riya Amonkar, Advocates for Petitioner.

Mr Shivdatt P. Munj, Additional Government Advocate for
Respondent Nos.1 and 2.

Mr Ameya Venkatesh Nayak Salatry, Advocate for Respondent
No.3.

CORAM: S. G. CHAPALGAONKAR, J.

Reserved on : 12th OCTOBER 2026

Pronounced on: 21st OCTOBER 2026

FINAL ORDER:

1. Petitioner takes exception to the order dated 20th January 2026 passed by Ad-hoc District Judge-2, Mercas, Tiswadi Goa, in Civil Revision Application No.87/2025 thereby restoring and maintaining judgment and order dated 30th October 2025 passed by Additional Director of Panchayats-I, Panaji Goa, in ADP-I/ASSAGAO/P.A.145/2025.

2. On 28th February 2025, Petitioner submitted an application seeking construction license for proposed compound wall on property bearing Survey No.69/1 of Village Assagao. Respondent No.3 caused site inspection. Report of site inspection dated 17th April 2025 recorded that property does not have proper access and lacks clean or visible demarcation. In deference to inspection report, Panchayat declined Petitioner's application in meeting dated 19th April 2025. Aggrieved Petitioner approached Additional Director, who allowed Petitioner's appeal vide judgment and order dated 30th June 2025 and directed Panchayat to issue permission however, Panchayat had assailed the order of Director before the District Judge in Civil Revision Application, which was allowed and matter was relegated back to Additional Director for fresh decision. In second round, Additional Director allowed Petitioner's appeal and issued directions to Panchayat to grant permission. Respondent No.3 then filed Civil Revision Application No.87/2025 before District Judge who passed impugned order dated 20th January 2026 thereby set aside order of Director while upholding order of Panchayat rejecting Petitioner's application for construction licence.

3. Mr Shivan Desai, learned Advocate appearing for Petitioner would submit that Petitioner purchased land bearing Survey No.69/1 under sale deed dated 3rd February 2023. Land is classified

as settlement zone with permissible FAR of 50. Petitioner is granted technical clearance order by Town & Country Planning Department dated 4th February 2025 for proposed construction of compound wall. Thereafter, Petitioner applied Panchayat for construction license which has been rejected on erroneous count that there is no access. According to Mr Desai, Regional Plan for Goa 2021 depicts access to Survey No.69/1 through eight metres wide road passing through property bearing Survey No.74/1 and same has been notified and declared in Official Gazette Series – II No.8 dated 25th May 2023 with approval of Government. Once Town & Country Planning Department upon site inspection of the property declared legal access by introducing change in Regional Plan for Goa 2021, Panchayat or any other authority could not have override the decision and recorded contrary finding. He points out that Director after considering material on record rightly issued directions to Panchayat to grant construction license to the Petitioner. However, learned District Judge exceeded its jurisdiction and reversed the findings thereby re-appreciating entire evidence on record and replacing the well-reasoned finding recorded by the Director.

4. Per contra, Mr Nayak Salatry, learned Advocate appearing for Respondent No.3-Panchayat supports the impugned order.

5. Petitioner applied to Panchayat for grant of permission to construct compound wall. It is not disputed before this Court that Petitioner holds valid title, conversion sanad, classified land as settlement zone and technical clearance from the Town & Country Planning Department for proposed construction. Panchayat declined to grant permission firstly on the ground that there is no access road to approach the property and there is no proper demarcation. Regulation 3 of the Goa Land Development and Building Construction Regulations, 2010 prescribes procedure and requirements for securing development permission, sub-division, technical clearance, construction license and completion certificate from the competent authority. Regulation 4.11 deals with development of landlocked areas. The development of any landlocked area i.e. area without access or with inadequate access, is governed by following regulations:

Clause (a) of Regulation 4.11 reads thus:-

“If the area is accessible by a traditional access, passing through a property of different owner or is proposed to be made accessible by an access having a width of three metres or less, development shall be limited to a ground floor and one upper floor structure with a maximum floor area of 200 metres to be used for residential use only. Such access shall have to be marked on the site plan.”

6. Regulation 11 deals with compound wall and gates.

Regulation 11.1 reads thus:-

“Permission for construction of compound wall and gates may be sought separately or along with the application for permission for construction/building operation/development within a plot. Detailed drawings of compound wall and gates shall be submitted along with the application for development permission drawn to a scale of 1 cm to 1 metre.”

7. Section 16 of the Town & Country Planning Act, 1974

stipulates effect of regional plan which reads thus:-

“On and from the date of publication of the regional plan under section 15 for an area, all development programmes undertaken within that area by any private institution or by any other person shall conform to the provisions of such regional plan. However, public projects/schemes/development works, undertaken by the Central Government or the Government shall be in conformity with the rules framed and procedures laid down by the Government for such projects/schemes/development works.”

8. In light of aforesaid statutory scheme, it is worthwhile to note here that vide Notification No.44/17(2)/RPG-21/Assagao/Road/TCP-2023/66, Department of Town & Country Planning notified correction of error as regards to the existing road which is not reflected on Regional Plan for Goa 2021, as passing

through property bearing Survey No.74/1 of Village Assagao, Bardez Taluka, District South Goa. Accordingly, the Chief Town Planner (Planning) was directed to carry alteration/modification to RPG 2021 for the purpose of correcting/rectifying RPG 2021 by depicting road having right of way of eight metres passing through property bearing Survey No.74/1 of Village Assagao by issuing Notification under sub-section (2) of Section 17 of the Goa Town & Country Planning Act, 1974.

9. Aforesaid Notification is not challenged by Panchayat or owner of Survey No.74/1. *Prima facie*, aforesaid material depicts that there is existing access from Survey No.74/1 to the property of Petitioner. The Director had considered aforesaid aspect while issuing direction to Panchayat to grant permission in favour of Petitioner. However, learned District Judge observed that site inspection carried out by Panchayat does not depict availability of access road touching Petitioner's property and therefore relying upon order dated 8th August 2014 issued under Section 132 of the Goa Town & Country Planning Act, 1974 which prohibits development unless there exists a road connecting the plot, reversed the order of Director, upholding the decision of Panchayat.

10. This Court finds that in light of scheme under Sections 15 and 16 once Regional Plan is published, all development programmes undertaken within that areas shall conform to the provisions of regional plan. Therefore, once in terms of Regional Plan the existence of road is shown, the Panchayat could not have drawn contrary inference based on site inspection. Admittedly, area where the Petitioner's property situated is in dense forest. If existing access is covered by shrubs due to non-use, no inference can be drawn contrary to the contents of development plan. Learned District Judge appears to have lost sight of publication of development plan in terms of Regulation 15.

11. In result, this Court finds that impugned order passed by learned District Judge is not sustainable in law. Hence, writ petition is allowed in terms of prayer clauses (a) and (b).

S. G. CHAPALGAONKAR, J.