



Meena/Suzana/Sonam

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 511 OF 2026 (FILING)**

MORMUGAO PORT AUTHORITY ... Petitioner

Versus

STATE OF GOA THR ITS  
CHIEF SECRETARY AND 4 ORS. ... Respondents

Mr. Yogesh V. Nadkarni, Advocate, Ms Simran Khadilkar and  
Mr. Kunal Nadkarni, Advocates for the Petitioner.

Mr. Devidas Pangam, Advocate General with Mr. Shubham  
Priolkar and Mr. Rishikesh Gawas, Additional Government  
Advocates for Respondents No. 1 to 3.

Mr. Ravi Anand, Advocate for Respondent No.5.

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

**DATED:- 07.04.2026**

**P.C.**

1. Heard Mr. Yogesh V. Nadkarni, Learned Advocate for the  
Petitioner, Mr. Devidas Pangam, Learned Advocate General  
with Mr Shubham Priolkar and Mr Rishikesh Gawas, Learned  
Additional Government Advocates for the Respondents No. 1

to 3 and Mr. Ravi Anand, Learned Advocate for Respondent No.5.

2. The Mormugao Port Authority (MPA), which is a statutory body constituted under the Major Port Authority Act, 2021, has approached this Court in its writ jurisdiction, alleging forceful entry onto its land bearing Chalta No.42 of P.T.Sheet 30 of City Survey Vasco-da-Gama ('the property'), by some persons, who have illegally commenced erection of a permanent statue, of an iconic figure, Chhatrapati Shivaji Maharaj; the MPA alleges that despite its police complaint on 16.02.2026 to the Bogda Police Station, Mormugao, no action is taken by the police to prevent further intrusion into its property. The Petitioner has further alleged that a further complaint came to be filed on 20.02.2026 on which, no action was taken to prevent further construction, which is continuing at site. When the matter was heard on 10.03.2026, a photograph was placed on record depicting the work going on at site where the pedestal on which the statue has been placed was partly completed, and a further photograph was placed on 16.03.2026 where the pedestal has been covered with tiles and the area around it has been partly paved, and the police

continues with its inaction to prevent the trespass on to the Petitioner's land.

3. On notice being issued, on 25.02.2026, the Learned Advocate General for the State of Goa appeared and sought time to obtain instructions, to ascertain what action, if any, has been taken by the police in the matter. This Court, at the relevant time had passed the following directions:

*“1. The Mormugao Port Authority which is statutory body constituted under the Major Port Authorities Act, 2021, has approached this Court by filing the present Writ Petition alleging that some persons have forcefully entered into the land belonging to the Petitioner and have illegally started erecting a permanent statue of an iconic figure without taking the permission from the Petitioner.*

*Aggrieved by such action, the Petitioner has filed complaint dated 20.02.2026 with the Police of Bogda Police Station, Mormugao Taluka which was followed by complaint dated 25.02.2026. Notwithstanding the same, no action has been taken by the Police on the said complaints.*

*The Petitioner has also submitted a complaint before the Mormugao Municipal Council on 17.02.2026. However, despite the receipt of such complaint, no action has been taken by the Municipal Council also, as a result of which, the construction work is going on unabated.*

*2. Mr. Nadkarni, learned Counsel for the Petitioner, submits that, over and above seeking an enquiry into the matter, the*

*Petitioner also prays for an urgent order from this Court, restraining further construction.*

*3. Appearing for the State, Mr. Devidas Pangam, learned Advocate General, has sought some time to obtain instructions and to ascertain as to what action, if any, has been taken by the Police in the matter.*

*Similar is the stand of Mr. Ravi Anand appearing for Respondent No.5.*

*4. Considering the nature of grievance expressed in the Writ Petition and the fact that the Petitioner has already lodged a complaint with the Police and the Municipal Council, and in view of the request made by the learned Advocate General, we direct that this matter to be posted again on 10.03.2026. On or before the next date, the Superintendent of Police, South Goa, to file a personal affidavit stating the steps, if any, that have been taken by the Police in the matter after receipt of the complaints dated 20.02.2026 and 25.02.2026. Likewise, the Chief Officer of the Mormugao Municipal Council to also file a personal affidavit stating the steps, if any, that have been initiated by the Council upon receipt of the complaint.*

*5. Depending on the stand taken in the affidavits, this Court will consider issuing further directions in the matter.*

*6. List again on 10.03.2026, "High on Board".*

4. On 10.03.2026, the Superintendent of Police, South Goa, (Respondent No.4), in response to the directions of this Court, filed his affidavit, which we shall refer to at a later stage. Shri Ravi Anand, appearing for the Mormugao Municipal Council

(MMC - Respondent No.5) had sought an adjournment on 25.02.2026 to clarify the stand of the Municipal Council in the matter of construction being carried out in the land of the MPA, without construction licenses under Section 184 of the Goa Municipalities Act, 1968. Though there is no affidavit filed on behalf of the MMC, during the course of the hearing of the matter by this Court on 10.03.2026, 11.03.2026 and 16.03.2026, on the question of grant of an interim order to direct stoppage of the construction, a stand was taken by the MMC, that it had no jurisdiction over the lands in possession of the MPA, in view of the provisions of the Major Port Authorities, Act, 2021 (MPA Act).

**FACTS PLEADED IN THE PETITION:**

5. The MPA is a Statutory Authority under the MPA Act and owns and controls several properties in and around the Mormugao Port, one such being the property referred above. Prior to the coming into force of the MPA Act, the Mormugao Port Authority was known as the Mormugao Port Trust (MPT). The Petitioner has averred that the property of the Petitioner falls within the definition of 'Public Premises' under the Public

Premises (Eviction of Unauthorized Occupants) Act, 1971.

6. The Petition complains of the fact that on 16.02.2026, some unknown persons, illegally and unauthorisedly encroached on the property and forcibly erected a statue. A photograph of the statue placed on a temporary metal pedestal has been annexed at Exhibit B of the Petition. It is the Petitioner's case that since the persons who have committed the illegal act of erecting the statue in the Petitioner's land were unknown, the Petitioner, in order to seek timely intervention of the Authorities, had lodged a complaint on 16.02.2026 to the Police Inspector, Bogda Police Station, requesting it to deploy police personnel and facilitate the removal of the statue erected unauthorisedly. A similar communication was also issued to the Deputy Collector of Mormugao Taluka, the Collector of South Goa, the Deputy Superintendent, Vasco da Gama, the Chief Officer of the MMC and to the Mamlatdar of Mormugao Taluka. Despite receipt of these communications, none of the Authorities acted upon the same; the Police Inspector of the Bogda Police Station also did not deploy any police personnel at site to facilitate the removal of the statue.

7. It is further the Petitioner's case that despite the illegal act of construction of the statue on the Petitioner's land, which is a public premise, and despite the request to the Chief Officer of the MMC by communication dated 17.02.2026 to that effect, the Chief Officer has refused to take any action to stop the construction or to demolish the illegal structure. The Petitioner has sought directions to the Authorities by way of an appropriate writ, to remove the illegal structure/statue erected in the property; by way of an interim measure, the Petitioner has sought directions to the Respondents to ensure no further work is carried out at site.

8. Subsequent to the filing of the Petition, since work continued at site, the Petitioner filed an additional affidavit on 21.02.2026, in which it has placed on record further communication dated 18.02.2026 to the Deputy Collector of Mormugao Taluka, the Collector of South Goa, the Police Inspector, Bogda Police Station, to the Chief Officer of the MMC and to the Mamlatdar of Mormugao Taluka, informing them that the matter was before this Court and since the Court was not sitting between 19.02.2026 and 22.02.2026, due to

holidays, pending hearing of the Petition, no further activities of construction should be carried out at site.

The affidavit further states that the same communication was also sent to Mr. Sankalp Amonkar, MLA of Mormugao Constituency, expecting that all these Authorities would perform their legal duty and ensure no further construction would be carried out on the Petitioner's land.

9. The additional affidavit then states that on 19.02.2026, at 19:30 hours, the MLA of Mormugao Constituency, Mr. Sankalp Amonkar, along with some Councilors of the MMC, the Chairman of the Ravindra Bhavan, and a large crowd of unknown persons, criminally trespassed on to the said property; the MLA along with the said crowd then had a grand function of unveiling the said statue. The photographs of the unveiling of the said statue on 19.02.2026, as posted by the said MLA on his Facebook page were annexed to the affidavit. A video recording of the unveiling of the statue, on the same date was also produced with the affidavit, as posted by the "Goa News Now" channel. The affidavit further alleges that the illegal erection of the statue continues unabatedly till date, with

the works being undertaken only at night. Photographs of the work being undertaken on 21.02.2026 are also annexed to the affidavit; the affidavit further states that the CCTV footage observed by the MMC depicts the said MLA of the Mormugao Constituency present at the site along with some unknown persons, on the night of 20.02.2026. It is further stated in the additional affidavit that despite numerous requests to the Authorities no action is taken.

10. The affidavit then states that since no action has been taken, the Chief Engineer of the Petitioner filed a complaint on 20.02.2026 to the Police Inspector, Bogda, requesting for registration of an FIR under Section 329 of the BNS, 2023. No FIR has been registered till date. The affidavit further alleges that the illegal structure is covered by the definition of “Building” as defined under Regulation 20(2) of the Goa Land Development Building and Construction Regulation Act, 2010 and in the absence of permissions from the Municipal Council, the structure will have to be removed as being illegal.

It is further stated in the affidavit that the Ministry of Shipping, Government of India has framed policy guidelines

for land management by Major Ports in the year 2015 and these have been directed to be implemented with immediate effect; Guideline 11.2(j) thereof stipulates that the Port Authority should not entertain any proposal of allotment of land to religious institutions or for religious purpose or to political institutions.

11. The affidavit also brings on record that the Hon'ble Chief Minister of Goa vide communication dated 08.02.2024 addressed to the Chairperson of the Port Authority, forwarded a communication dated 21.12.2023 by the MLA of the Mormugao Constituency, requesting the Petitioner to grant an NOC for installation of a statue in the land belonging to the Petitioner at the junction at Headland Sada. The affidavit places on record communication dated 22.03.2024 of the Chairperson of the Petitioner informing the Chief Minister that under the Land Policy Guidelines of the Ministry of Shipping, the request of the MLA of Mormugao Constituency, was not within the powers of the Board of the Port Authority.

12. Subsequent to the aforementioned incident on 19.02.2026, yet another additional affidavit dated 25.02.2026

was filed by the Petitioner to bring on record these subsequent events by placing on record a photograph of the site, taken on 24.02.2026.

13. On directions being issued by this Court vide Order dated 25.02.2026, re-produced above, the Superintendent of Police South Goa has filed his affidavit on 10.03.2026, in which he has made the following statements:

- a). That the Police Inspector of Bogda Police Station had received letter dated 16.02.2026, alleging the encroachment of land belonging to the MPA under Chalta No.42 of P.T.Sheet 30 of City Survey Mormugao. The letter alleged encroachment by unknown persons constituted trespass upon Port property, which according to the Petitioner constitute a cognizable offence under BNS.
- b). That upon receipt of the complaint, the Mormugao Police Station addressed a letter on 17.02.2026 to the Sub-Divisional Police Officer at Vasco da Gama seeking permission to conduct a preliminary inquiry into the complaint received from the MPA. The Police Inspector also sought the Sub Divisional Magistrate's (SDM) immediate intervention in view of a law and order situation at Headland Sada, Mormugao, and requested that a Mamlatdar (Executive Magistrate) be made

available round the clock to address any law and order situation that may arise.

- c). That on 18.02.2026 the Sub-Divisional Police Officer, Vasco da Gama granted permission to conduct an inquiry into the complaint under Section 173(3) of the BNSS.
- d). That the Police authorities received a complaint dated 20.02.2026, complaining of trespass on their property and erection of a statue thereon; that the Petitioner had requested the police to register an FIR for offence punishable under Section 329 BNS.
- e). That pursuant to the complaints of the Petitioner (16.02.2026 and 20.02.2026), and the permission granted by the Sub Divisional Police Officer to the Police Inspector on 18.02.2026, the Police Inspector initiated a preliminary inquiry to ascertain whether ingredients of an offence under Section 329 of the BNS was made out; that until 10.03.2026, statements of 28 persons were recorded as part of the preliminary inquiry and inquiry is still in progress.
- f). That immediately upon receipt of the complaints of 16.02.2026 and 20.02.2026, the concerned Police station acted promptly and initiated action in accordance with law;
- g). That from the statements recorded in the inquiry, members of the public used the open space where the statue was erected as a garbage dumping ground for the past 50 years; the statements indicate that some unknown

persons undertook the cleaning of the garbage area, and believing the same to be a public space, erected a statue of Chhatrapati Shivaji Maharaj at the location.

14. The Petitioner, the State of Goa and the Mormugao Municipal Council advanced the following submissions during the course of the hearing of this Petition on 11.03.2026 and 16.03.2026, when the Petitioner pressed for interim orders.

**SUBMISSIONS:**

15. The following submissions are being advanced by Learned Advocate Shri Yogesh Nadkarni on behalf of the Petitioner, Mormugao Port Authority;

- a). That the Mormugao Port Authority is a statutory body established as a Major Port Authority under the Indian Ports Act and under the Major Ports Authority Act; the Port Authority has a Board constituted by the Central Government, which runs the affairs of the Major Port at Mormugao. It was further submitted that in terms of Section 22 of the MPA Act, the Board of the Mormugao Port puts to use the assets of the Port, one of which is land under Chalta No.42 of P.T. Sheet No.30, which is held in the name of the Petitioner, in the Property Card maintained under the

Goa Land Revenue Code.

- b). The Learned Counsel for the Petitioner has taken us through the various communications, which we have referred to in the preceding paragraphs, despite the Authorities concluding that a law and order situation may arise at site, no action was taken by the police or the Sub-Divisional Magistrate to ensure that the statue which was erected at site and the works which were being undertaken should be stopped; the Authorities were fully aware that the local MLA, Shri Sankalp Amonkar and other Councilors and political figures from the area were involved in the incident of erection of the statue on 16.02.2026 and thereafter in the incident of unveiling of the statue on 19.02.2026 at 19:30 hours, and yet did not intervene. The complaint of the Petitioner clearly names these persons as trespassers onto the Petitioner's property, which is a Major Port property, and as such, any threat to the possession of Port property ought to have been dealt with by the Authorities. It is further argued that the facts of the case clearly point to the State of Goa lending tacit support to the encroachment on the Port land by the local MLA and other persons named in the complaint and hence this Court should take cognizance of the acts of the State and direct the concerned Authorities to allow the Port Authorities to restore the site to its original condition under

protection of the police.

c). Learned Counsel for the Petitioner has also taken us through the video of the incident placed on record, as published in a local news network; the video was played in the open Court in the presence of the Learned Advocate General and other Advocates representing the parties. The Learned Advocate, during the screening of the video has emphasized that the speech of the local MLA Shri Sankalp Amonkar made reference to the request made by him to his letter to the Hon'ble Chief Minister for obtaining NOC of the Port Authority for erection of the statue but such NOC was refused by the Chairperson. References were made to the speech of the MLA that since the land was unused, the MLA and others present, had put up a statue on this land. Further reference was made by the Learned Advocate to the parts of the speech of the MLA, stating that even if an FIR was filed, they would have erected the statue.

d). The Learned Advocate has placed on record photographs of the plaque which was found below the statue and has made reference to its contents which refer to the name of the local MLA Shri Sankalp Amonkar as the person who has unveiled the statue.

16. Vehemently opposing the grant of any relief in this

Petition, the Learned Advocate General for the State of Goa has advanced the following submissions:

- a. That Section 5-A of the Public Premises (Eviction of Unauthorised) Act, 1971 (PPA) prohibits the erection or raising of the building or immovable structure in any public premises, except in accordance with the authority under which it was allowed to occupy such premises. That Section 5-B of the PPA empowers the Estate Officer appointed under the PPA to pass such orders directing the person who has so erected the building or structure to demolish the same. It was submitted that the MPA should invoke these provisions by which its Estate Officer, under section 5-B of the PPA can remove the alleged unauthorized construction. It was submitted that in view of the specific provision of Section 5-A and 5-B as also 5-C of the PPA, and in the absence of the MPA approaching the Estate Officer to have the alleged structure/statue removed, this Court should not entertain a petition under Article 226 of the Constitution of India for directions to the Authorities, as claimed.
  
- b. It is further submitted on behalf of the State that the correspondence between the MPA and the Authorities reveals that the MPA has at its disposal, personnel provided by the Central Industrial Security Force (CISF), who are able to maintain law and order within

the precincts of the properties of the MPA; since the Port Authority has adequate Central Forces at its disposal, it could very well protect its own property from encroachment and ought not to call upon the local police to intervene where there is an encroachment of the nature complaint; it was further submitted that in any case, it was always open to the Port Authority to file a suit against trespassers, who have encroached into the Port property, and a Civil Court could grant adequate relief of protection to the Authority by grant of appropriate orders of temporary or temporary mandatory injunctions against such encroachers.

- c. It was then contented on behalf of the State that the statements of the witnesses recorded in the preliminary investigation suggests that there was a dispute as to the ownership of the property in question, as the local residents claimed that the property was an open space which was used as garbage dump for decades; it was further argued that on the basis of the statements recorded, residents of the locality cleared the open space, believing it to be public property, and expressing their religious sentiments, put up the statue of Chhatrapati Shivaji Maharaj, who is revered by them.
- d. It was then argued that in view of the provisions of Section 22 of the MPA Act, and more particularly Sub Section 2 thereof, since all Ports Assets are to be used

and developed as per the regulations made by the Board, and the development is to the exclusion of any Municipal, local or Government Regulations, the MMC, which is the local Municipality would have no jurisdiction to issue any order or direction to demolish the statue/structure erected on the Port's property; it was submitted, that this Court has taken such a view in a Judgment dated 13.10.2022, passed in Writ Petition No. 222/2015 in ***Shri Caetano S. Jose Vaz v/s The Mormugao Municipal Council and 5 Ors***, holding that in view of the provisions of Sections 22 and 68 of the MPA Act, the MMC can have no jurisdiction to question the legality of the structure.

e. Reliance has been placed on the following case laws:

1. ***Shri Caetano S. Jose Vaz v/s The Mormugao Municipal Council and 5 Ors***<sup>1</sup>;
2. ***Board of Trustees for the Port of Kolkata and Ors V/s Apl (India) Pvt. Ltd. and Ors***<sup>2</sup>;
3. ***Dr. K. Mohan v/s Chennai Port Trust and 2 Ors***<sup>3</sup>;
4. ***P.R. Murlidharan and Others v/s Swami Dharmananda Theertha Padar and Others***<sup>4</sup>

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<sup>1</sup> WP No.222 of 2015 dated 13.10.2022 passed by High Court of Bombay at Goa.

<sup>2</sup> 2019 (14) SCC 374

<sup>3</sup> 2009 SCC OnLine Mad 1907

<sup>4</sup> (2006) 4 SCC 501

17. Arguing for the Mormugao Municipal Council/Respondent No. 5, Advocate Mr. Ravi Anand has adopted the arguments of the Advocate General, contending that in view of the fact that the property in which the structure/statue is situated, belonging to the MPA, in view of the provisions of Section 22 of the MPA Act, the MMC would have no jurisdiction to entertain a complaint under Section 184 of the Municipalities Act; he further contended that the MMC had no jurisdiction to take appropriate action of issuing a Show Cause Notice to the persons who have constructed it or to direct the demolition of the statue and all the construction carried out in the property belonging to the Port.

18. At the outset, we propose to examine whether, even if we hold that provisions of Section 22 of the MPA Act and PPA are applicable to the property of the Port Authority, whether the State and its agencies such as the Police Force and the Executive Magistrates could refuse to protect the property belonging to a citizen or a statutory authority.

19. In the present case, none of the authorities have disputed that the property where the encroachment has taken

place (Chalta No. 42 of P. T. Sheet No. 30) is owned by the Port Authority; the Property Card maintained by the Survey Authority, which is produced along with the Writ Petition, records the name of the Mormugao Port Trust (which is now succeeded by the Mormugao Port Authority) as the Holder of the Title to the property. There is also no material before us to suggest that there is any title dispute raised by any specific person or that the title of the MPA is contested by the State of Goa.

20. The correspondence on record clearly shows a history to this encroachment. From the record it appears that the MLA of the Mormugao constituency, Shri Sankalp Amonkar had written a letter to the Hon'ble Chief Minister of Goa on 21.12.2023 seeking the intervention of the Chief Minister of Goa to obtain NOC from the Petitioner for installation of the statue of Chhatrapati Shivaji Maharaj on this land. The letter states that since the land identified for installation of the statue belongs to the Mormugao Port Authority, and there are large number of followers of Shivaji Maharaj in the locality, the people of the constituency wish that an NOC is obtained for

installing the statue. The letter discloses that the people at the constituency proposed to lay the foundation for the erection of the statue on 19.02.2024.

21. Along with the aforementioned letter, which is under the signature of the MLA Shri Sankalp Amonkar, there is an annexed plan showing the proposed site admeasuring about 377.24 sq. mtrs. at the intersection of the Sada junction; the MLA had enclosed three drawings which showed three dimensionally the manner in which the statue and the surroundings would be constructed.

The letter of the MLA was in fact communicated by the Hon'ble Chief Minister of Goa to the Chairman of the MPA on 08.02.2024. The Chairperson of the Port Authority, vide communication dated 22.03.2024 informed the Hon'ble Chief Minister of Goa that in view of the policy guidelines for Land Management issued by the Union Ministry of Ports, Shipping and Waterways, which was to be implemented by all Major Ports, the Port Authority had no discretionary power for the Board to allot the land required and accordingly communicated that the request of the MLA is not within its

powers. In short, the Board of the MPA and its Chairman declined to grant the NOC sought for by the MLA of Mormugao Constituency. The matter would have to be viewed in the background of the refusal by the Port Authority to permit erection of the statue and to beautify its surroundings, in the manner requested by the MLA.

22. On 16.02.2026, the Petitioner noticed that some persons had encroached upon the said property and had erected a statue at the Sada Junction near the market complex. The location of the statue, if one sees the proposal sent by the MLA a year ago is roughly the same as found on the proposal. A photograph of a statue wrapped in plastic sheets has been produced at page 15 of the petition and its seen standing on a metal frame, next to a board declaring the property to be belonging to the MPA.

A Complaint was made and was received by the Police Inspector of the Bogda Police Station on 16.02.2026 complaining of the trespass. The letter also states that the Port Authority was in the process of erecting a fence in the area. More importantly, the letter to the Police Inspector records

that, if the personnel/security of the Central Industrial Security Force (CIFS) are deployed at the site, a law and order situation may arrive, which would be avoidable, if the personnel of the Goa Police were deployed at the site, to facilitate removal of the unauthorized statue. This letter was simultaneously sent to the concerned Deputy Collector, Mormugao, Collector of South Goa District, Deputy Superintendent of Police Vasco da Gama, Chief Officer, Mormugao Municipal Council and to the Mamlatdar (Executive Magistrate) of Mormugao.

23. The affidavit of the Superintendent South Goa, which was filed before this Court directing the authority to state the action taken, admits receipt of the letter and states that the concerned Police Inspector, vide letter of 17.02.2026 sought permission from the Sub Divisional Police Officer, Vasco to conduct the preliminary investigation into the complaint. The letter was produced on record.

The affidavit also discloses along with an appended letter of the Police Inspector of the Mormugao Police Station addressed to the SDM, Deputy Collector, Mormugao, requesting for the SDM to deploy one Mamlatdar (Executive

Magistrate) round the clock for law and order duty, which might take place at Sada area, due to the erection of the statue.

24. Thus, from the aforementioned letters, it is clear that the proposed deployment of CISF personnel could have caused a law and order situation and the authorities have sought intervention from the Executive Magistrate on the imminent danger of a law and order situation erupting at site, due to erection of the statue. What is evident is that the statue was constructed by some persons on the Port's property, and obviously as an act of trespass on the property which was forcible. The local Police Station clearly saw a serious threat of law and order and requested deployment of Executive Magistrate round the clock to quell the acts of the local residents which must have resulted in an early law and order situation as on 17.02.2026.

25. On 18.02.2026, the Sub Divisional Police Officer, Vasco granted the Police Inspector permission to conduct the preliminary investigation under Section 173(3) of BNSS. The affidavit of the Superintendent of Police is totally silent on the steps taken by the police to deploy sufficient police force at the

concerned site or the steps taken by the Executive Magistrate to ensure that no further encroachment took place at site, and no further works of erection of the statue were undertaken at the site. From the absence of any statements of the authorities who were before this Court, it was all too clear that the police force, despite the alarm raised by the Police Inspector, requesting deployment of an Executive Magistrate was conspicuous at the site; there was also no action taken by the Mamlatdar or the Collector to ensure in the circumstances and facts set out by the Police Inspector in his letter on 17.02.2026, to issue any prohibitory orders under Section 164 of the BNSS, to ensure that any mob or gathering does not take place at the site. This was even more so under the circumstances that the likely, further encroachment or likely law and order situation would take place in a Major Port Area, which could give rise to a major disturbance.

26. By then, the Petitioner had filed the present petition seeking interim orders and directions to the authorities; notice of the filing of this petition was given by the Petitioner to the Collector of South Goa, the Deputy Collector of Mormugao, the

Police Inspector and the Chief Officer of the MMC on the same date. These authorities were therefore aware that a petition was pending before this Court.

A notice was also sent by the Petitioner to the local MLA Shri Sankalp Amonkar on the same date, making him aware of the reliefs sought in the petition.

27. The petition, though filed on 18.02.2026, could not be heard until 25.02.2026, since the Court was closed on 19.02.2026 and 20.02.2026 (Court holidays), 21.02.2026 and 22.02.2026 being a weekend. Circulation of the petition was granted on 23.02.2026 for hearing the same on 25.02.2026. All the authorities were made aware of this situation, since the copy of the petition was served on them. It is in this background that one will have to view the conduct of the authorities in relation to the further events which took place on 19.02.2026 and thereafter.

28. The Petitioner, through an additional affidavit filed on 21.02.2026, has brought on record the subsequent events of 19.02.2026. The Petitioner has averred that after it brought to

the notice of all the authorities, that the present Writ Petition would be mentioned for circulation on 23.02.2026, owing to the Court holidays, it also called upon the authorities to take steps to ensure that no further activities or functions be conducted on the Port land concerning the illegal statue. It is further averred that at about 19.30 hrs. on 19.02.2026, Shri Sankalp Amonkar, MLA of Mormugao Constituency along with Deepak Naik, Shradha Sankalp Amonkar, Councilors of MMC, Jayant Jadhav, the Chairman of Ravindra Bhavan, along with large number of unknown persons criminally trespassed on to this Port property and had a grand function of unveiling the grand statue.

29. The photographs of the event, as posted by said MLA on his Facebook page show the MLA himself, along with several other persons unveiled the plaque below the statue which is written in Devanagari script whose rough translation reads as follows:

*“Victory to Bhavani! Victory to Shivaji!*

*On the occasion of Shiv Jayanti, a grand statue of Chhatrapati Shivaji Maharaj- the eternal inspiration behind Hindavi Swarajya- was unveiled amidst a gathering of devoted Shiv followers by the*

*hands of Honourable MLA of Mormugao constituency, Shri Sankalp Padmanabh Amonkar*

*Date: February 19, 2026*

*Location: Sada Junction, Mormugao.”*

30. The copy of the photographs posted by the MLA on his Facebook page are annexed to the petition. The Petitioner has also produced a Video Recording of the unveiling of the statue on 19.02.2026 as posted on one of the local Goa News Channel known as “Goa News Now”. This recording was also produced before this Court, and was played in the open Court. During the viewing of the news reel, some of the persons in the video were identified. The persons prominent amongst these were the Mormugao MLA Shri Sankalp Amonkar, the Councilor, his wife Mrs. Shradha Sankalp Amonkar, who is alleged to be local Councilor and certain other Councilors. The Video Recording depicts a large gathering of persons, prominently led by the local MLA who unveiled the plaque below the statue. Amongst some of the speakers, was the MLA Shri Sankalp Amonkar himself who spoke in Konkani language.

31. We have roughly recorded in the presence of the Advocates the specific timings in the video recording at which

the following event or speech was made:

<b>MINUTE</b>	<b>EVENT</b>
1:55	Unveiling of the plaque.
5:00	An unidentified person makes a speech stating that a committee was formed of the local residents with the support of the Mormugao MLA to install the statue.
8:19	The MLA Shri Sankalp Amonkar gives a speech to the crowd referring to his letter to the Chief Minister and request for NOC from the MPA; he is heard stating that NOC was not given by the Chairperson. He then states that the land was unused and therefore “we” have installed a statue
9:30	on this land; that even if an FIR is filed, or petitions are filed in the High Court “we” have erected the statue.
11:30	The same MLA acknowledges the presence of the Police Inspector of the Mormugao Police Station, Shri Sharif, Junior Engineer of the Electricity Department and Police Inspector of the Traffic Cell Shri Alvito.

32. From the video, it becomes all too clear that a large

section of the local residents was allowed to gather in a crowd to attend the unveiling of the statue on 19.02.2026 after around 7.30 p.m. The act of unveiling the plaque and the statue at the hands of the local MLA is clearly seen in the video. The video also depicts a festive mood and decoration, which includes bright lighting. The crowd seen in the video would have been over two hundred persons. It is obvious therefore, in the light of the apprehension earlier expressed by the Police Inspector of the local Police Station to the Executive Magistrate on 17.02.2026, that the intention to forcibly trespass on to the Port land at the Sada junction and to install the statue and unveil it was surely known to all the authorities.

33. The affidavit of Superintendent of Police is completely silent on the steps taken, both by the police and by the Executive Magistrate at site or the Collector of South Goa or by the Sub Divisional Police Officer, South Goa to quell the crowd or disperse the crowd or the preventive measures taken to ensure no further encroachment took place on the Port land. The location where the statue already existed on 17.02.2026 was known to all the authorities i.e. the Sada Junction next to

the Market Complex on the Port property. The apprehension expressed by the Police Inspector to the Executive Magistrate was obviously based upon either intelligence inputs or on visiting the site, for which a Mamlatdar was called to be deputed round the clock.

34. The plaque below the statue, if loosely translated to English, clearly states that the statue of the Chhatrapati Shivaji Maharaj was unveiled at the hands of the MLA of Mormugao Shri Sankalp Amonkar amidst the gathering of devotees on 19.02.2026. It is absolutely unbelievable, that such a large gathering could have been allowed on the Port land, and the forcible construction and unveiling of the statue on such land be held, without any knowledge of the Police Inspector of Mormugao or Bogda Police Station, the Sub Divisional Police Officer, Vasco, the Mamlatdar of Mormugao, the SDM of Mormugao and both the Superintendent of the Police and the Collector of South Goa. If this be so, there is a complete failure of the executive structure in South Goa District and in Mormugao Taluka in relation to the incident. However, the incident points more to a glaring and tacit understanding or

arrangements between the authorities referred above and the local MLA and other participants of the gathering on Port property, with no action whatsoever, preventive or otherwise been taken by the authorities to protect the invasion of the Port property.

35. The incident may as well have taken place in at an Airport, Railway property or such other installation under the security of the Central Forces such as the CISF; would the State take the same arguments that it has raised during the hearing, that its police force and Executive does not have the duty to intervene and prevent in invasion of such installation or property which is vested in say, an Airport Authority or for that matter, as in this case a Port Authority. The State cannot be heard to say that the Authority or installation is free to use Central Forces to protect possession of its properties from trespass or destruction.

36. The incident of 19.02.2026 was followed by a letter sent by the Port Authority to the Police Inspector, Bogda Police Station on 20.02.2026, recounting the entire incident and

seeks registration of an FIR offence under Section 329 (Criminal Trespass) of the BNS, 2023. The letter makes specific reference to the earlier correspondence, pendency of this Writ Petition, letters sent to the MLA on 19.02.2026 and the details of the incident of the installation of the statue on 19.02.2026. The complaint specifically names Shri Sankalp Amonkar, along with Deepak Naik, Shradha Sankalp Amonkar, Councilors of MMC and Jayant Jadhav, Chairperson of Ravindra Bhavan as part of the assembly who criminally trespassed on the property of the Port authority and unveiled the illegally erected statue. The video of the incident was attached to the complaint.

37. We take note of the fact that the Sub Divisional Police Officer, Vasco had granted the Police Inspector, permission under Section 173 (3) BNSS on 18.02.2026 to conduct the preliminary inquiry into the earlier complaint of the Port Authority on 16.02.2026, alleging the erection of the statue at the Sada Junction.

38. On 20.02.2026, however, a new complaint was lodged

before the Police Inspector making specific allegation, naming the local MLA and several other persons and alleging a fresh incident of criminal trespass by these persons on 19.02.2026 at 7.30 p.m. the incident is therefore a new incident, though may be in continuation of the earlier incident of 16.02.2026, but in which the accused are specifically named.

39. Prima facie therefore the permission granted under Section 173(3) of the BNSS, to conduct preliminary investigation, on the incident of 16.02.2026 was restricted to that incident and did not cover the fresh incident on 19.02.2026, alleging criminal trespass against specific persons; the complaint was accompanied by video of the incident and photographs of the statue, which revealed a plaque bearing the name of the MLA Shri Sankalp Amonkar as having unveiled the statue.

Surprisingly the Superintendent of South Goa in his affidavit reveals that the Police Inspector, under the earlier orders passed under Section 173 (3) BNSS, conducted a preliminary inquiry into the incident of 19.02.2026, when there was obviously no application by the Police Inspector to

the Sub Divisional Police Officer, seeking permission to conduct preliminary inquiry into the second incident of 19.02.2026, much less any prior permission from the concerned Deputy Superintendent of Police. The Police Inspector of the Bogda Police Station ought to have taken a call on whether to register the FIR based upon the allegations in the complaint, which from our perusal of the same, did reveal an offence of criminal trespass under Section 329 of BNS, which was cognizable. The inquiry by way of recording over 28 statements annexed to the affidavit does not appear to have any permission from the Deputy Superintendent of Police in relation to the incident of 19.02.2026. Even on perusal of the statements which are annexed to the affidavit, though they are all stereotyped, disclose that the locals of Mormugao cleared up garbage from the area where a statue Shivaji Maharaj was permanently build. The statements clearly reveal that the incident had taken place at Headland Sada and a statue was in fact installed.

40. This Court issued certain directions in its order of 25.02.2026 which have been quoted in the opening paragraphs

of this judgment. The Petitioner filed an additional affidavit on 25.02.2026 along with photographs annexed thereto placing on record the fact that further works of construction of a concrete platform around the statue and beautifying the area around are seen. If one compares these photographs with the photographs first filed before this Court on 18.02.2026, it is obvious that work is being carried out on site by certain encroachers, and despite complaints of criminal trespass, none of the Respondents have been acting in the matter, much less providing protection to the Petitioner to restrain such works being carried out at site. The question therefore before us is whether this court would remain a silent spectator to this clear act of trespass on to the property of the Port Authority or issue certain directions to the authorities to arrest the works being carried out at site and to grant adequate protections to the officers of the Port Authority to remove the encroaching structure and the construction found on the property of the Port Authority.

41. The learned Advocate General for the State of Goa has opposed the grant of any reliefs, including interim reliefs

mainly on two grounds. It was urged on behalf of the State that the provisions of Section 22 r/w. Section 26 of the Port Authorities Act 2021, provide the Board, of a Major Port, to use and develop its assets in accordance with regulations to be made by the Board and to the exclusion of Municipal, Local or Government Regulations. Since these provisions exclude the area comprising the Port property from the jurisdiction of any Municipal or Government Regulations, it should be left to the Port to oppose any acts of constructions, such as the statue built on the property, and to enforce the Building Regulations of the Port over these properties.

42. In the first place, the said two provisions only set out that the Port shall deal with its own assets, to the exclusion of the Municipal or Government Regulations and for that purpose, the Board has the power to draft such Regulations and to permit construction or development within this area in accordance with such Regulations. This would not mean that any illegal construction that forcibly comes up within the Port area would empower the Port Authority on its own to deal with these structures which are constructed without the Port's

permissions. A structure such as the construction of the statue which is subject matter of this petition has no doubt been constructed without permission of the Port Authority, but has been erected, on the face of it, by committing an act of criminal trespass. This to our mind would have to be dealt with by the State Authorities by filing appropriate criminal proceedings; however, where the construction was allowed to come up as a consequence of the criminal trespass, in all such cases, the Port Authority need not file civil proceedings or even proceedings under the PPA, and even more so where the persons who have constructed the structure are not known or identified. The complaint has only identified persons who have indulged in criminal acts of criminal trespass of forcibly unveiling the statue, whilst stating that the work of construction was by persons not known to the Port Authority.

43. It was further argued by the learned Advocate General that the land on which the statue was constructed and unveiling took place is a public premise as defined under PPA and therefore the Petitioner has its remedies under Section 3A and 4 of the said Act. Even under the provision of Section 5A

and 5B of the said Act, the Estate Officer was empowered to remove the unauthorized construction and demolish the same by directing demolition of the structure by the person at whose instance it was erected.

44. In our opinion, these provisions by themselves would not justify the Port Authority to take the matter of obstructing further construction of the structure in question in its own hands; furthermore, the said provisions require proceedings to be filed before the Estate Officer who is an independent authority, acting in adjudicatory functions, the proceeding being akin to adjudicating a civil dispute. The Petitioners have clearly stated that the structures are constructed by unknown person and therefore, to our mind, proceedings under Public Premises Act, which are required to commence by service of notice on specified persons who are required to be evicted or at whose instance demolition of a structure illegally constructed is to be effected, is not a remedy. In any event, even if such remedy exists against unknown persons, it would still not absolve the State from effectively intervening and giving the Port Authority adequate protection to enforce law and order.

We believe that where issues of law and order are involved, such as the present one, it is only the State through its agencies such as the Police Force, Executive Magistrate and other such authorities, can adequately quell such incidents and ensure public safety and property of individuals is preserved. In the present case, what is even more serious is that we see a clear invasion of property of a Major Port and the State has acted as a mere bystander and has in fact tacitly colluded with the perpetrators of the invasion without offering any assistance to prevent the criminal trespass.

45. Though an argument was sought to be raised that even under the provisions of the Municipalities Act that is Section 184 thereof, the MMC would have no jurisdiction to issue demolition orders to bring down the illegally constructed statue, its pedestal and the surrounding beautified area, we propose to delve deeper into these submissions at the final hearing of this petition since till date, no detailed affidavit has been filed by the MMC in this petition. For the moment, we are clear that as an interim measure, the State and its various agencies are arrayed as Respondents No.1 to 5 would have to

be directed to provide the Petitioner with all possible assistance and protection to further arrest any encroachment on its property around Headland Sada Junction including providing police protection to the Port Authority to enable him to remove all vestiges of the encroachment, including the statue erected thereon, its pedestal and all the improvements made to the site, as seen in the various photographs and videos which are on record.

46. For these reasons, we direct the Superintendent of Police, South Goa, Collector, South Goa, the Mamlatdar (Executive Magistrate), Mormugao, Police Inspector, Mormugao Police Station and Police Inspector, Bogda Police Station to provide the Mormugao Port Authority, all necessary assistance, including by providing adequate police force and/or by issuing such other prohibitory orders that they deem fit around the Headland Sada Junction, to enable the Mormugao Port Authority to restrain any persons from further encroaching on its property, and to enable the Mormugao Port Authority to remove, dismantle or demolish the statue, pedestal and all other structures constructed on the junction to beautify the area.

47. We are keeping this petition pending to hear the parties, and specially the MMC on its stand of lack of jurisdiction to take action. Further, since we have concluded that there was gross inaction on the part of the PI of Bogda Police Station, the Executive Magistrate of Mormugao taluka, Deputy Collector, Mormugao taluka and other Respondents to prevent intrusion in to the Port property, we would like to examine the matter further in to this aspect; hence, we are listing this petition for further hearing to seek affidavits of these parties and their explanation for such inaction. However, our directions contained in the preceding paragraphs shall take effect immediately and shall be followed in letter and spirit.

**ORDER**

48. We proceed to pass the following interim order:
- a. Pending hearing and final disposal of this petition, the Respondents No.2, 3 and 4 shall ensure, by providing adequate armed security and such measures as they deem fit (including by passing prohibitory orders to maintain public order), that no further work of whatsoever nature is undertaken or carried out in the property of the Petitioner bearing Chalta No.42 P.T. sheet No.30 of City Survey Vasco, more particularly at

the Headland Sada Junction where the said statue has been erected.

- b. The Respondents No.2,3, and 4 shall provide and make adequate armed security arrangements and take all steps which may include passing of prohibitory orders to maintain public order, to enable the Petitioner, Mormugao Port Authority to dismantle or remove the pedestal with statute and constructions on its surrounding areas at the Headland Sada junction and to restore the Sada Junction in the Port's land to its original condition.
- c. The Superintendent of Police, South Goa shall be impleaded as Respondent No.6 to this Petition and shall be responsible for overseeing all security arrangements to forthwith effectively implement the order and directions "a' and "b" above. A copy of this order shall be communicated to the Superintendent of Police, South Goa, by the Registrar (Judicial) of this Court for taking necessary action. The Superintendent of Police South Goa shall ensure enforcement of this order by 04.05.2026 and file a detailed report by the next date of hearing.

49. List the matter on 04.05.2026.

50. After pronouncing the interim Order, the learned Advocate for the Petitioner prays for leave to implead leave

Shri Sankalp Padmanabh Amonkar; leave granted to implead Shri Sankalp Padmanabh Amonkar, Shop No.05, Gr. Floor, Rukmini Residency, Baina, Vasco-da-Gama, Goa-403802, as Respondent No.7 to the Petition. In the interim Order, we have impleaded Respondent No.6, i.e. Superintendent of Police, South Goa, as a party Respondent. Amendment to be carried out to the cause-title incorporating the aforementioned two parties. Mr. Shubham Priolkar, Learned Additional Government Advocate, waives service on behalf of Superintendent of Police, South Goa, Respondent No.6.

Issue notice to Respondent No.7, returnable on 04.05.2026. In addition to the regular modes of service, the Respondent No.7 may also be served through Speed Post AD, WhatsApp, email and courier and the affidavit of service placing on record a copy of the tracking report of the registered packet/courier along with a printout of WhatsApp/email messages, be filed on or before 02.05.2026.

Humdast allowed.

**AMIT S. JAMSANDEKAR, J.**

**VALMIKI MENEZES, J.**