

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 22 OF 2015

M/s. Lithoferro, through
its Partner, Mr. Kaustubh
Sawkar, major of age,
Indian National, resident
of Karaswada, Mapusa,
Bardez, Goa.

..... Petitioner

V e r s u s

1. Village Panchayat of
Tivim, through its
Secretary/Sarpanch
with Office at Tivim,
Bardez, Goa.
2. Director of Panchayats,
Government of Goa,
having office at Junta
House, Panaji, Goa.
(Registered Addresses)

..... Respondents

Mr. Parag Rao, Advocate for the Petitioner.

Ms. Purna Bhandari, Addl. Government Advocate for the Respondent no. 2.

Coram :- **F. M. REIS, J**

Date : **31st July, 2015.**

ORAL JUDGMENT

Heard Shri Parag Rao, learned Counsel appearing for the Petitioner
and Ms. Bhandari, learned Addl. Government Advocate appearing for the
Respondents.

2. Rule. Heard forthwith with the consent of the learned Counsel
appearing for the respective parties. Learned Addl. Government Advocate
appearing for the Respondent no. 2, waives service.

3. Upon hearing the learned Counsel for the above parties, the learned Addl. Government Advocate appearing for the Respondent no. 2, has pointed out that the Respondent no. 2 shall given an opportunity to the Petitioners to be heard in the Panchayat Appeal preferred by the Petitioners and pass appropriate Orders in accordance with law.

3. Shri Parag Rao, learned Counsel appearing for the Petitioners, states that the main grievance of the Petitioner in the above Writ Petition is that there was a gross breach of the principles of natural justice as the impugned Order was passed without an opportunity of hearing to the Petitioners.

4. Taking note of the above contentions of the learned Advocates appearing for the parties, the main grievance of the Petitioners would no longer survive. As such, I pass the following :

ORDER

- (i) The impugned Order dated 16.06.2014, is hereby quashed and set aside.
- (ii) The Respondent no. 2 is directed to decide the Appeal bearing Panchayat Appeal No. 84 of 2010, preferred by the Petitioners afresh hearing all the concerned parties in accordance with law.
- (iii) Rule is made absolute in the above terms.
- (iv) No order as to costs.

F .M. REIS, J.

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