

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 242 OF 2015

Ghanashyam Bhomkar,
son of Nuno Bhomkar, Age 40 years,.
Occupation Service, Residing at Hous eno. 263/1,
Government Quarters,
Ela Farm, Old Goa.
Mr. Duming Fernandes,
Son of Paulo Fernandes,
Age 28 years, Occupation Service,
Residing at House no. G4, Riddhi Estate,
Catiechem Bhatt, Nears Ela Farm,
Old Goa.

..... Petitioner/Applicant

V e r s u s

1. The Village Panchayat Se Old Goa,
Through its Secretary,
Having his office at Village Panchayat Se Old Goa,
Taluka Tiswadi, Old Goa.
2. Director of Panchayats,
Govt. of Goa,
Junta House,
Panaji-Goa.
3. Block Devellopment Officer
Tiswadi Taluka,
Junta House
Panaji, Goa.
4. The Director,
Directorate of Health Services,
Campal, Panaji, Goa.
5. Danu Rayu Fernandes,
Son of Rayu Fernandes,
Major of age,
Residing Near Old Goa Education Institute,
Old Goa.

..... Respondents

Ms. Sumedha P. Joshi, Advocate for the Petitioners.

Mr. P. Dangui, Addl. Government Advocate for the Respondent nos. 2, 3 and 4.

Mr. Kishore Aroskar, Advocate for the Respondent no. 1.

Mr. Shirin Naik, Advocate for the Respondent no. 5.

Coram :- **F. M. REIS,**
 K. L. WADANE, JJ.

Date : **1st September, 2015**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Ms. Joshi, learned Counsel appearing for the Petitioners, Mr. Kishore Aroskar, learned Counsel appearing for the Respondent no. 1, Mr. Dangui, learned Addl. Government Advocate appearing for the Respondent nos. 2, 3 and 4 and Mr. Shirin Naik, learned Counsel appearing for the Respondent no. 5.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondents waive service.

3. Learned Counsel appearing for the Respondent nos.1 and 5, have brought to our notice that in the meanwhile, the Respondent no. 1 has already initiated action in terms of Section 66 of the Panchayat Raj Act, with regard to the subject construction and, in fact, sent a notice-cum-Order dated 19.08.2015 addressed to the Respondent no. 5. The said notice is taken on record and marked 'X' for identification. The Respondents do not dispute that the said Order marked 'X' for identification, covers the subject construction in the above Writ Petition.

4. Considering that the Respondents have taken action in accordance with law, we find that the grievances of the Petitioners have presently been redressed. As such, the Petition stands disposed of with a direction to the

Respondent no. 1 to proceed with the action sought to be taken based on the said notice marked 'X' for identification, preferably within six months, in accordance with law. Needless to say, that all the defences/objections of the Respondent no. 5 on merits on such notice are left open as we have not examined the veracity of the allegations in the Petition.

6. Rule stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

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