

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 550 OF 2015

THE VILLAGE PANCHAYAT OF
BETQUI-CANDOLA, THROUGH ITS
SARPANCH.

... Petitioner

Versus

M/S GOAN PARADISE, THROUGH ITS POA
MR. MAHESH ADWALPALKAR AND 2 ORS.,

... Respondents

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.
Mr. S.D. Lotlikar, Senior Advocate with Mr. J. Simoes, Advocate for
Respondent No.1.
Mr. P. Faldessai, Additional Government Advocate for Respondents
No.2 & 3.

Coram:- F. M. REIS, J.

Date:- 24th July, 2015

ORAL ORDER :

Heard Mr. Nigel Da Costa Frias, learned Counsel appearing for the petitioner, Mr. S.D. Lotlikar, learned Senior Counsel appearing for respondent no.1 and Mr. P. Faldessai, learned Additional Government Advocate appearing for respondents no.2 & 3.

2. Upon hearing the learned Counsel appearing for the respective parties, the main grievance of the petitioner is that though an order dated 8/07/2015 came to be passed by the learned Deputy Director of Panchayat, the judgment was not made available to the petitioner despite of praying for a certified copy thereof. The learned Additional Government Advocate, upon instructions, states that the

judgment is already available and according to him the petitioner had not collected the copy from the concerned department. But however, Mr. Nigel Da Costa Frias, learned Counsel appearing for the petitioner disputed the said contention and submitted that the copy was not furnished and, in fact, even a reminder was sent with that regard.

3. Without going into the merits of the rival contentions nor the allegations referred to herein above, as it is not disputed that an appeal is provided against the impugned order, I find that the question of interfering in the impugned order under Article 227 of the Constitution of India will not at all be justified. The petitioner, if so advised, can proceed to collect the certified copy from the concerned department and avail of the alternate remedies in accordance with law. Mr. Nigel Da Costa Frias states that the petitioner shall collect the copy today. Any change of status quo based on the impugned order shall be subject to any further orders which may be passed by the appellate Authority. Writ Petition stands disposed of accordingly.

F. M. REIS, J.

NH