

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 238 OF 2016

Shri Dayananda Shetty,
S/o Shri Koraga S. Shetty,
Major of age, Indian national,
R/o House No. 1269/A,
Mazilvaddo, Benaulim,
Salcete – Goa.

..... Petitioner

Versus

- 1 State of Goa,
Through Chief Secretary,
Having office at Secretariat,
Porvorim, Goa.
- 2 The Director of Health Services,
Directorate of Health Services,
Government of Goa,
Campal, Panaji -Goa.
- 3 Health Officer,
Primary Health Centre,
Directorate of Health Services,
Cansaulim- Goa.
- 4 Village Panchayat of Cana – Benaulim,
Through its Secretary,
Salcete – Goa, 403 716
- 5 Mr. Jose Menino Rodrigues,
Son of late Joao Rodrigues,
Major of age, R/o House No. 1269/1,
Mazilvaddo, Benaulim, Salcete- Goa.

..... Respondents

Shri S. S. Kantak, Senior Advocate with Shri Abhijeet Kamat,
Advocate for the petitioner.

Shri V. Sardessai, Additional Government Advocate for the
respondents no. 1 to 3.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 27th June, 2016

ORAL JUDGMENT:(PER F.M.REIS,J)

Heard.

2. Rule.

3. Heard forthwith with the consent of the learned Advocates. Shri. V. Sardessai, learned Additional Government Advocate waives service on behalf of the respondents no. 1, 2 and 3. No notice is required to be issued at this stage to the respondents no.4 and 5 considering the view we propose to take.

4. Shri S. S. Kantak, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner contended that the private respondent no.5 is creating a nuisance in the property of the petitioner and despite of complaints lodged before the concerned Authorities way back in the year 2011 and subsequently, no actions have been taken. Shri Kantak, the learned Senior Counsel also pointed out that based on such complaints even Show Cause Notices as well as Final Notice were issued and no action was taken to take such proceedings to its logical conclusion. The learned Senior Counsel further points out that necessary direction be issued to the Authorities with that regard.

5. Shri Sardessai, learned Additional Government Advocate appearing on behalf of the respondents no.1 to 3 upon instructions of respondent no.3 points out that the respondents shall take necessary action and proceed to examine the grievance and pass

necessary orders in accordance with the law.

6. Considering that the authorities stated that they will take necessary actions based on the Show Cause Notice dated 06/08/2014, we find that the grievances of the petitioner are presently redressed. Needless to say that the respondent no.3 shall proceed to act on the said Show Cause Notice after hearing all the concerned parties in accordance with law within four weeks. Needless to say that the objections, if any, of the private respondents are left open to be examined on its own merits in accordance with law.

7. Rule is made absolute. Petition stands disposed off in the above terms.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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