

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 500 OF 2016

GHANASHYAM BHOMKAR AND ANR., ... Petitioners
Versus
THE VILLAGE PANCHAYAT SE OLD GOA,
THR. ITS SECRETARY AND 4 ORS., ... Respondents

Mr. Shashikant Narayan Joshi, Advocate for the Petitioners.
Mr. Saeesh Mahambrey, Advocate for the Respondent no. 1.

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

Date:- 24th August, 2016

P.C.

Heard Shri S. N. Joshi, learned Counsel appearing for the Petitioners and Mr. S. Mahambrey, learned Advocate appearing for the Respondent no. 1.

2. The grievance of the Petitioners is that despite of directions issued by this Court in a Judgment dated 01.09.2015 to proceed to decide the show cause notice referred to therein within a period of six months, no such decision was taken within the time stipulated.

3. Shri Saeesh Mahambrey, learned Counsel appearing for the Respondent no.1, submits that as the notice was defective, the Respondent no. 1 had to issue a fresh show cause notice which delayed taking of action against the concerned parties. It is further pointed out that in the meanwhile, the final demolition order has

already been issued in respect of the concerned premises, though an Appeal has been filed by the aggrieved parties before the Director of Panchayat wherein an exparte relief has been granted in favour of the Appellant therein. As action as directed has already been taken by the Respondent no.1 though belatedly, we find that entertaining the above Petition in such circumstances would not at all be justified.

4. Shri S. N. Joshi, learned Counsel appearing for the Petitioner, however pointed out that the Petitioners be made parties to the Appeal pending before the Director of Panchayats. It is not possible to accede to such request of Mr. Joshi, learned Counsel appearing for the Petitioners though liberty is granted to the Petitioner to move the Appellate Authority by filing an appropriate application which the Authority shall examine on its own merits after hearing the parties in accordance with law.

5. Subject to the above, nothing survives in the Petition which stands accordingly disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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