

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 681 OF 2016

BHANUMATI SATARDEKAR AND 2 ORS. ... Petitioner
Versus
KASHINATH GANESH SATARDEKAR AND 3
ORS. ... Respondent

Mr. Nigel Da Costa Frias, Advocate for the petitioners.
Mr. P. Dangui, Addl. Government Advocate for the respondent nos. 2
and 4.

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

Date:- 19th July, 2016

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel appearing
for the petitioners and Mr. P. Dangui, learned Addl. Government
Advocate appearing for the respondent nos. 2 and 4.

2. The above petition takes an exception to an ex-parte order
granted by the Additional Director of Panchayats staying the
operation of the stop work order issued by the BDO.

3. Mr. Nigel Da Costa Frias, learned counsel appearing for the
petitioners points out that the subject construction is patently illegal
as according to him there is no construction licence issued to the
respondent no.1. It is further submitted that though there is a stop
work order issued by the Panchayat, there is no implementation of

such order by the Panchayat. It is further pointed out that on the garb of repair licence, the respondent no.1 is reconstructing the structure by putting up a ground plus one building.

4. We have considered the submissions of the learned counsel appearing for the petitioners and we have also gone through the records. The records reveal that the petitioners and the respondent no.1 are close relatives and that there is a common wall separating the respective portion occupied by each of them. As the matter is already for consideration before the Additional Director of Panchayats, wherein an ad-interim stay has been granted, we find that there is no reason for interference in such order at this stage in exercise of extra ordinary jurisdiction under Articles 226 and 227 of the Constitution of India. The basic grievance prima facie appears to be that there is a breach of the repair permission granted by the authorities which the petitioners contend is non-est in law in the facts of the present case.

5. Be that as it may, it is pointed out by Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioners that though an ex-parte stay order was granted, the proceedings have been posted only on 08.08.2016 which would grossly prejudice the stand of the petitioners. In such circumstances, the petitioners if so advised are at liberty to file an appropriate application to vacate the ex-parte ad-interim order before the Additional Director of Panchayats within

one week from today and in case such application is filed, the learned Additional Director of Panchayats shall consider such application on its own merits after hearing all the concerned parties including the private respondent within four weeks from the receipt of such application uninfluenced by this order in accordance with law. Needless to say that all contentions of the parties are left open as we have not examined the correctness or otherwise of the submissions raised by the learned counsel appearing for the petitioners. The petition stands accordingly disposed of.

6. Expedite an authenticated copy of this order to the petitioners.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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