

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.741 of 2015**

The Village Panchayat of Betqui-
Cadola, Through its Sarpanch,
Candola, Ponda, Goa .. Petitioner

Versus

1. M/s Goan Paradise
Through Mr. Mahesh Adwalpalkar
Major, with office at 3rd floor,
Patto Center, EDC Complex,
Panaji, Goa
2. The Deputy Town Planner
Town & Country Planning Department,
Ponda, Goa.
3. The Additional Director of Panchayats-II,
North Goa, Junta House,
Panaji-Goa.
4. The State of Goa,
Through its Chief Secretary,
Secretariat, Porvorim, Goa. .. Respondents

Mr. Nigel D'Costa Frias, Advocate for the petitioner.

Mr. D. J. Pangam, Advocate for the respondent no.1.

Ms. P. Bhandari, Additional Government Advocate for the respondent nos.2 to 4.

CORAM :- S. B. SHUKRE, J.

Date : 3rd February, 2016.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. Learned

Counsel for the respondents waive service of notice. Heard finally by consent.

2. Having regard to the fact that the impugned order dated 07/09/2015 passed in ADP-II/P.A103/2015 is an ex-parte order which finally disposes of the appeal, same cannot be sustained in law.

3. It has been brought to the notice of this Court that there is one more appeal, which also involves a notice issued by the petitioner to the respondent no.1 regarding stopping of work and/or site inspection. The subject of appeal No.ADP-II/P.A103/2015 also includes another notice regarding site inspection in respect of the same property. Therefore, it would be in the interest of justice that both these appeals are heard together and decided in accordance with law by the Appellate Authority.

4. In the result, the Writ Petition is allowed. The impugned order dated 07/09/2015 is hereby quashed and set aside. The Appellate Authority i.e. Additional Director of Panchayats, Panaji, Goa is hereby directed to finally decide both the appeals after hearing the rival parties in accordance with law.

All the contentions of the parties are kept open including a contention of respondent no.1 regarding entitlement of the petitioner to issue a site inspection notice, which shall be decided on their own merits. If Stay Applications are to be decided, the learned Additional Director of Panchayats may, in his discretion, decide the same as expeditiously as possible before final disposal of the appeals and within one month from the date of receipt of the order of this Court by the Appellate Authority, unless prevented by some exceptional cause. The site inspection notice, dated 01/09/2015 is hereby stayed till the Stay Applications are disposed of, in accordance with law.

5. Rule is made absolute in these terms. No costs.

S. B. SHUKRE, J.

SMA