

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NOS.1023 & 1024 OF 2016****WRIT PETITION NO. 1023 OF 2016**

SHRI NANDALALKHEMAKA,
THR. POA MR. THOMAS MATHEW. ... Petitioner
Versus
SHRI RAMESH KANDOLKAR AND ANR. ... Respondents

WITH**WRIT PETITION NO. 1024 OF 2016**

SHRI NANDALALKHEMAKA,
THR. POA MR. THOMAS MATHEW. ... Petitioner
Versus
SHRI Hanumant KANDOLKAR
AND ANR. ... Respondents

Shri Parag S. Rao, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 26th October, 2016

ORAL ORDER:

Both these petitions can be disposed off on a short count even without issuance of notice to the other side.

2. That on the basis of a complaint lodged by the petitioner there is an order of demolition passed in respect of structure belonging to the respondent no.1 in these petitions. The Additional Director of Panchayat

has confirmed the said order. This was challenged by the respondent no.1 in these petitions, in separate Civil Revision Applications, before the learned District Judge.

3. According to the petitioner (who is respondent no.1 before the District Judge), he had filed a caveat. However, without serving the petitioner, the learned District Judge has granted ex-parte relief on 30/06/2016. It is submitted that there was no stay operating during the pendency of the appeal before the learned Additional Director. It is submitted that in such circumstances, the interim relief could not have been granted without hearing the petitioner.

4. The learned Counsel for the petitioner states that the petitioner has entered appearance before the learned District Judge and the Civil Revision Applications are now fixed on 11/11/2016.

5. In such circumstances, both the petitions are disposed off with liberty to the petitioner to file appropriate reply to the application for stay before the learned District Judge. The learned District Judge shall decide the Civil Revision Application including the application for stay as expeditiously as possible. It is made clear that this Court has not examined the merits of the matter.

C. V. BHADANG, J.

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