

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 868 OF 2015

MR.SHAMBA SAKHARAM SAWANT. ... Petitioner
Versus
VILLAGE PANCHAYAT OF THIVIM,
THROUGH ITS SECRETARY/SARPANCH. ... Respondent

Adv. Deepak Gaonkar for the Petitioner.
Adv. Pranay A Kamat for Respondent no. 1

Coram:- C. V. BHADANG, J.

Date:- 6th April, 2016

ORAL ORDER:

On 23/3/2016, the learned counsel for the petitioner had sought time to take instructions as to whether the petitioner wants to apply for regularization of the structure which is in the nature of loose boundary wall comprising of laterite stones. Today without prejudice to the contention, that the same does not amount to construction, the learned counsel for the petitioner, on instructions, states that the petitioner shall apply to the concerned Village Panchayat for regularization of the structure, within a period of six weeks from today.

2. The learned counsel appearing for the respondent/panchayat states that if such application is filed, the respondent shall decide the same in accordance with law. In such circumstances, the following order is passed.

ORDER:

- (i) The petitioner shall file an application for regularization of the structure to the Village Panchayat in accordance with law, within a period of six weeks from today.
- (ii) If such an application is filed, the Village Panchayat shall decide the same in accordance with law within a period of four weeks, thereafter.
- (iii) The Village Panchayat shall not take any coercive action, on the basis of the impugned order for a period of ten weeks from today, subject to the condition that the petitioner files the application for regularization within a period of six weeks from today.
- (iv) In the event the petitioner fails to file the application for regularization, within a period of six weeks, the protection granted shall stand automatically vacated without reference to the Court.
- (v) The writ petition is disposed of in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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