

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 916 OF 2015

SHRI MOHAN PAI VERNEKAR AND 2

ORS.,

... Petitioners

Versus

DIRECTOR OF PANCHAYATS, GOVT. OF
GOA AND 7 ORS.,

... Respondents

Mr. Devidas J. Pangam, Advocate for the petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Mr. P. Dangui,
Additional Govt. Advocate for the respondents No.1, 2, 7 and 8.

Mr. Nitin Sardessai, Senior Advocate with Mr. G. Panandikar,
Advocate for the respondent No.3.

Mr. A. D. Bhobe, Advocate for the respondent No.5.

Mr. A. N. S. Nadkarni, Advocate General with Mr. D. Lawande,
Govt. Advocate for the respondent No.6.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 21st March, 2016

P.C.:

Heard Mr. D. Pangam, learned Counsel appearing for the petitioners, Mr. A.N.S. Nadkarni, learned Advocate General appearing for the respondents 1, 2, 6, 7 and 8, Mr. Nitin Sardessai, learned Senior Counsel appearing for the respondent No.3, and Mr. A. D. Bhobe, learned Counsel appearing for the respondent No.5.

2. Mr. D. Pangam, learned Counsel appearing for the petitioners has pointed out that although he has raised several contentions, he is restricting his contentions only on two aspects namely, firstly that the respondent No.3 has started the construction in the subject property in which the petitioners are co-owners, without obtaining any permission from the local Village Panchayat under the Goa

Panchayat Raj Act, and secondly the said respondent No.3 has not obtained the requisite permission from the Goa Pollution Control Board.

3. Mr. A.N.S. Nadkarni, learned Advocate General appearing for the State and its Authorities, submits that the Deputy Director of Panchayats/ respondent No.2 has already taken suo motu cognizance of the activities carried out by the respondent No.3 and has initiated action under Section 64 of the Goa Panchayat Raj Act and the proceedings are pending for consideration and are likely to be disposed of within six weeks. The said statement of the learned Advocate General is based on the instructions of the Deputy Director of Panchayats who is present in Court.

4. Mr. Nitin Saresai, learned Senior Counsel appearing for the respondent No.3 submits that the respondent No.3 has already obtained all the permissions to carry out such activities and in the meanwhile, the permission from the Goa State Pollution Control Board has already been obtained vide letter dated 4th/7th March, 2016 of the Board. The learned Senior Counsel further submits that the petitioners were earlier associated with the establishment of the respondent No.3 and have filed the present petition with malafide motives.

5. Mr. A.D. Bhohe, learned Counsel appearing for the respondent No.5/Village Panchayat submits that immediately after the respondent No.5 noticed the subject-construction, action was initiated by the said respondent.

6. We have considered the submissions of the learned Counsel and we have also gone through the record. As far as the grievance of Mr. Pangam, learned Counsel appearing for the petitioners that the respondent No.3 has not obtained the permission from the Goa State Pollution Control Board is concerned, as such permission has already been obtained, the grievance of the petitioners, on that count, would no longer survive. In so far as the contention of the petitioners that no action is being taken against the subject construction though no permission has been obtained from the Village Panchayat, taking note of the statement by the learned Advocate General, upon instructions of the Deputy Director of Panchayats who is present in the Court, we find that no further directions are required at this stage in the present petition.

7. In view of the above, accepting the said statement made by the learned Advocate General, nothing survives in the present petition. The petition stands disposed of accordingly. All contentions of both the parties on merits are left open, as we have not examined the merits of the rival contentions.

K. L. WADANE, J.

F. M. REIS, J.

ssm.