

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 16 OF 2017

SHRI. MAHESH PANSHIKAR., ... Petitioner
Versus
STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 6 ORS., ... Respondents

Mr. Hanumant D. Naik, Advocate for the Petitioner.
Mr. S. D. Lotlikar, Advocate General with Mr. Rajesh Shivolkar,
Additional Government Advocate for the Respondents.

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

Date:- 6th February, 2017

P.C.:

Heard Mr. H. D. Naik, learned Counsel appearing for the
Petitioner.

2. The grievance of the Petitioner is that though a complaint has
been lodged before the local Panchayat with regard to an illegal
construction being put up by the Respondents no. 6 and 7, the
Panchayat has only issued stop work order without issuing show
cause notice. Learned counsel appearing for the Petitioner
further pointed out that site inspection was carried out by the
concerned Secretary in the presence of the Petitioner as well as
the Respondent no. 7 wherein it was found that the construction
being put up in the subject property was without obtaining
requisite permission and, as such, direction be issued to the local
Panchayat to proceed to take action in accordance with law.

3. Shri S. D. Lotlikar, learned Advocate General appearing for the Respondents, however, submits that the alleged illegal construction is in a private property and the Petitioner, if he so desires, has an alternate remedy to file appropriate petition before the Dy. Director in terms of Section 66(5) of the Panchayat Raj.

4. We have considered the contentions raised by the learned Counsel. The alleged illegal construction is in a private property and specific prejudice is shown to the Petitioner herein. Apart from that, the Petitioner has an efficacious alternate remedy by preferring a petition under Section 66(5) of the Panchayat Raj Act and, as such, we are not inclined to interfere in exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India at this stage.

4. Needless to say, in case any such petition is filed, the concerned authority shall proceed to examine expeditiously in accordance with law. The local Panchayat, if so advised, to proceed in accordance with law.

5. Petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr