

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 314 OF 2017**

Mrs. Santana Nazareth,
major in age,
w/o. Late Lawrence Nazareth,
H.No.4/111/G,
Mollem Bhat, Saligao,
Bardez, Goa.

..... Petitioner.

V/s.

1. State of Goa,
through Chief Secretary,
Secretariat, Porvorim, Goa.

2. The Director of Panchayat,
Office of the Director of Panchayat,
Junta House, Panjim, Goa.

3. The Village Panchayat of Saligao,
through Secretary,
Office of the Village Panchayat of
Saligao, Saligao, Bardez, Goa.

4. The Sapanch,
Village Panchayat of Saligao,
Office of the Village Panchayat of
Saligao, Saligao, Bardez, Goa.

5. Town and Country Planning Department,
Office at Bardez,
Mapusa, Goa.

6. The Comunidade of Saligao,
through Attorney,
Saligao, Bardez, Goa.

..... Respondents.

Mr. Shailesh Redkar, Advocate for the petitioner under Legal Aid Scheme.

Mr. Pravin N. Faldessai, Additional Govt. Advocate for the respondents No.1, 2 and 5.

Mr. Vivek Rodrigues, Advocate for the respondents No.3 and 4.

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

Date : - 04/07/2017

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. Shailesh Redkar, learned Counsel appearing for the petitioner, Mr. Pravin N. Faldessai, learned Additional Govt. Advocate appearing for the respondents No.1, 2 and 5 and Mr. Vivek Rodrigues, learned Counsel appearing for the respondents No.3 and 4

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. The petitioner approached this Court in view of the non-implementation of the directions issued by the Director of Panchayats-Respondent No.2 in the order dated 27th April, 2016

whereby the Village Panchayat was, *inter alia*, directed to get the nallah constructed which is in Survey No.137/43 of Village Saligao, Bardez Taluka from the Panchayat funds or any other fund made available to the Panchayat, after verifying the title documents of the said land.

4. Mr. Vivek Rodrigues, learned Counsel appearing for the respondents No.3 and 4, upon instructions, states that the directions issued by the respondent No.2-the Director of Panchayats in the said order dated 27th April, 2016 shall be complied with immediately after the monsoon, and in any event, within six months from today. The learned Counsel appearing for the petitioner has no objection.

5. Learned Counsel appearing for the petitioner points out that as far as the grievance in connection with the permission to construct the compound wall is concerned, in case the respondent No.3 constructs such a retention wall, the challenge to the refusal to grant permission to construct the compound wall would not survive at this stage.

6. In view of the above, accepting the said statement of Mr. Vivek Rodrigues, learned Counsel appearing for the respondents No.3

and 4, upon instructions of the Secretary of the Village Panchayat-respondent No.3, the petition stands disposed of. Needless to say that the petitioner is at liberty to independently file an application for permission to construct the compound wall, which shall be examined by the concerned Authorities, in accordance with law. Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.

F.M. REIS, J.

ssm.