

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.615 OF 2017

BL Afonso

... Petitioner

Versus

Village Panchayat of St.Estevam & Ors

...Respondents

Mr Ajit Kantak, *with Ms R Kantak for the petitioner*

Mr Nigel Costa Frias, *for respondent No 1*

Mr Sandesh Padiyar, *Advocate for respondent No.2*

Mr Arun Talaulikar, *Addl Govt Advocate for respondent No.4*

**CORAM: G.S. PATEL,
NUTAN SARDESSAI, JJ**

DATED: 3rd October 2017

PC:-

1. Respondent No.3 is to be deleted at the risk of the Petitioner.

2. Here the orders in question sought to be enforced direct the demolition of so-called obstructions (piled stones) on the access road on survey No.135/6 of village Jua, Tiswadi Taluka. It appears that the obstruction, in the form of these rubble stones, are on survey No.135/4. The Village Panchayat has issued an order dated 18th September 2017 in respect of the piles up stones on Survey No.134/4, but invoking an order of 29th April 2014, one that relates only to Survey No.135/6. Thus, what is sought to be implemented is not what is contemplated by the order of 21st April 2014. We do not see how on the basis of an order for one Survey Number action can be ordered in respect of another Survey Number that is not at all the subject matter of the first order.

3. We are also less than satisfied with the explanation about the Petitioner's locus and conduct. He claims that his access is obstructed. We see no evidence of this. We are now told that, over time, grass has grown between these piled up stones, and the boundaries of the plots are no longer clear. If the Petitioner has waited long enough for the grass to grow, he surely cannot seek emergent relief from this Court.

4. The petition is rejected. There will be no order as to costs.

NUTAN D. SARDESSAI, J

G. S. PATEL, J