

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO.321 OF 2017**

Mr. Louis Teotonio Mendes,  
of major age, Indian National,  
retired, senior citizen r/o. Petter,  
gavant, carambolim Goa.

.... Petitioner

V/s

1. The Village Panchayat Carambolim,  
through its Secretary, Ilhas, Tiswadi, Goa.
2. Deputy Director of Panchayat,  
North Goa at Panaji.
3. Deputy Collector and  
Sub Divisional Officer,  
North Goa at Panaji.
4. Mr. Popat Laximan Naik,  
major of age, resident of h.no.103,  
Gavant, Petter, Tiswadi, Goa.

.... Respondents

Ms. Mansi Naik, Advocate for the Petitioner.

Ms. M. Kambli, Advocate for Respondent No.1.

Shri Dattaprasad Lawande, Advocate General with Shri A. Jamadar,  
Additional Government Advocate for Respondents No.2 & 3.

Shri V. Shirodkar, Advocate for Respondent No.4.

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

**Date:- 4<sup>th</sup> MAY, 2017**

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

Heard Ms. Mansi Naik, the learned Counsel for the petitioner, Ms.

M. Kambli, the learned Counsel for the respondent No.1, Shri D.

Lawande, the learned Advocate General for the respondents No.2 & 3 and Shri V. Shirodkar, the learned Counsel for the respondent No.4.

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

3. The grievance of the petitioner is that no action is taken by the respondent no.1 on the complaint filed by the petitioner against the respondent no.4 on the ground that the construction being put up is contrary to the Village Panchayat Regulations. During the course of the hearing it was also brought to our notice that the respondent no.2 has assumed powers under Section 66(5) of the Panchayat Raj Act with regard to the subject construction and the matter is posted for further hearing in the month of June, 2017.

4. Shri Dattaprasad Lawande, the learned Advocate General points out that the proceedings before the respondent no.2 shall be disposed off as expeditiously as possible and in any event within 6 months from today.

5. Another grievance of the petitioner is that though a Civil Suit has been filed being Regular Civil Suit No.26/2017/D in the Court of the learned Civil Judge, Junior Division and an interim order of temporary injunction is operating against the respondent no.4, in breach of the said order and the undertaking given to this Court as reflected in the order dated 3/04/2017, the respondent no.4 has been proceeding with the subject construction. But however, the learned Counsel appearing for the respondent no.4 disputes the said contention and states that no further construction activity has been carried out by the respondent no.4 in the disputed premises. The learned Counsel appearing for the respondent no.4 has also pointed out that the petitioner is unnecessarily delaying the proceedings and though the learned Judge has posted the matter for orders the petitioner is seeking liberty to file additional document and leave to amend the pleadings which has further delayed the proceedings.

6. Taking the overall facts and circumstances of the case, we propose to dispose off the above Writ Petition by passing the following :

### **O R D E R**

- (i) The statement of the learned Advocate General that respondent no.2 shall proceed to dispose off the proceedings under Section 66(5) of the Panchayat Raj Act as expeditiously as possible

and in any event within 6 months from today stands accepted.

(ii) The statement of the learned Counsel appearing for the respondent no.4 that the undertaking as recorded in the order dated 3/04/2017 shall continue to be in operation is accepted.

(iii) The learned Civil Judge, Junior Division, Panaji shall proceed to decide the temporary injunction application as expeditiously as possible and in any event on or before 16/08/2017.

(iv) Rule stands disposed off in the above terms.

**NUTAN D. SARDESSAI, J.**

**F. M. REIS, J.**

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