

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 452 OF 2017

DRISHTI LIFESAVING PVT. LTD., THR
ITS DIRECTOR, MR. ANTONIO MOISES
MENEZES.

... Petitioner

Versus

THE STATE OF GOA THR. ITS CHIEF
SECRETARY AND 5 ORS.,

... Respondents

Mr. Shashikant Narayan Joshi, Advocate for the Petitioner.
Mr. Pradosh Dangui, Additional Government Advocate for the
Respondent Nos. 1, 2 and 3.

Coram:- M. S. SONAK, J.

Date:- 5th May, 2017

P.C:

Heard Mr. Joshi for the petitioner and Mr. Dangui for
respondent nos. 1, 2 and 3.

2. Mr. Joshi submits that in the petition, order dated 09.03.2017
made by the Additional Director of Panchayats under Section
66(7) of the Goa Panchayat Raj Act, has been impugned.
However, by oversight no specific prayer has been made to set
aside the said order. Accordingly, he applies for leave to amend
the prayer clause.

3. Leave is granted. Necessary amendment to be carried out
forthwith.

4. Mr. Dangui, learned Additional Government Advocate for the respondent nos. 1, 2 and 3 submits that the petitioner has an alternate and efficacious remedy available, by way of instituting a Revision Petition under Section 201-B of the Goa Panchayat Raj Act.

5. Recently, the learned Single Judge of this Court (C.V. Bhadang, J.) in Writ Petition No. 672/2015 decided on 23.12.2015 has held that a Civil Revision Application would lie under Section 201-B of the Goa Panchayat Raj Act, as against the order passed by the Director of Panchayats under Section 66(7) of the said Act.

6. This means that the petitioner does have an alternate and efficacious remedy to challenge the impugned order dated 09.03.2017. Accordingly, the preliminary objection raised by Mr. Dangui is required to be upheld. This petition, need not be entertained and the petitioner can take the available remedy. Mr. Joshi, states that the Revision Petition would be instituted before the District Court, which is the appropriate Authority, within a period of two weeks from today.

7. Accepting this statement, the respondents are restrained from demolishing the life guard tower at Majorda, which is the subject matter of the impugned order, for a period of six weeks from

today. The petitioner, in the meantime, will be at liberty to apply for interim reliefs in the Revision Petition, which the petitioner states would be instituted within a period of two weeks from today.

8. Mr. Joshi submits that there are other reliefs in the petition seeking direction to the respondent-Village Panchayat to dispose of the representations dated 20.08.2016 and 20.03.2017 within a time frame. Since, this petition is not being entertained, it will not be possible to issue such direction. However, the petitioner is at liberty to request the concerned Village Panchayat to dispose of the representations expeditiously and in accordance with law. There is no reason to presume that the Village Panchayat will not dispose of such representations in accordance with law and on their own merits within a reasonable period. In case, the representations are not disposed of, the petitioner will obviously be at liberty to seek appropriate reliefs in this regard by instituting appropriate proceedings.

9. It is made clear that this Court has not adverted to the merits of the matter and therefore, all contentions of all the parties are left open to be determined by the Revisional Authority or other appropriate Authority as and when the occasion arises.

10. This petition is disposed of in the aforesaid terms.

11. All concerned to act on the basis of the authenticated copy of this order.

M. S. SONAK, J.

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