

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 970 OF 2016

CONSTANCIO FERNANDES, REP. HEREIN
BY HIS ATT. ROMALDO FERNANDES., ... Petitioner
Versus
FRANCISCO XAVIER FERNANDES AND
ANR., ... Respondents

Adv. Ryan Da Piedade Menezes for the Petitioner.
Adv. R.G. Ramani for Respondent No.1.

Coram:- C. V. BHADANG, J.

Date:- 8th February, 2017

P.C.:

Heard for some time.

2. It is not in dispute that subsequent to the order of remand which is challenged in this petition, the Village Panchayat had issued a fresh order directing demolition of the subject structure which is challenged by the respondent no.1 before the Addl. Director of Panchayats. In that view of the matter, the learned counsel for the petitioner submits that in the event this Court is not inclined to entertain the petition, the appeal before the Addl. Director of Panchayats be expedited.

2. The challenge in the present petition is to the judgment and order dated 31/5/2016, by which the learned District Judge has

remanded the matter back to the respondent/panchayat for drawing a proper sketch of the extension done to the existing house of the respondent no.1 beyond the original plinth area of 63.80 sq.mts and then to decide it afresh in accordance with law. As noticed earlier, the Village Panchayat in compliance with the said order has drawn a fresh sketch and has directed demolition. The order is subject matter of challenge before the Addl. Director of Panchayats. In such circumstances, it would be appropriate if the matter is examined by the Addl. Director of Panchayats on its own merits. In such circumstances, I decline to entertain the petition which is accordingly dismissed with no order as to costs. The Addl. Director of Panchayats shall decide the appeal as expeditiously as possible and in accordance with law.

C. V. BHADANG, J.

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