

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 697 OF 2013

SHRI. CHANDRASHEKAR P. LOTLIKAR ... Petitioner
Versus
VILLAGE PANCHAYAT OF SERNABATIM,
VANELIM, COLVA THROUGH ITS
SECRETARY AND ANR., ... Respondents

Shri Gaurish N. Agni and Shri Eeshan Usapkar, Advocate for the
Petitioner.
Shri R. G. Ramani, Advocate for Respondent No.2.

Coram:- C. V. BHADANG, J.

Date:- 16th March, 2017

P.C.:

The petitioner has challenged the order dated 19/06/2013
passed by the Secretary (Panchayat) which reads as under :

"Advocate Shri D. Rosario for Petitioner appeared and
pleaded that his Petitioner could not be present in person because
of his mother's illness. Advocate S. Parab appeared for
Respondent no.2. She has pleaded that Petitioner should not
linger the case further and produce all relevant original
documents of ownership title etc. be produced before court.
Petitioner be directed to produce all required original documents
on the next hearing.

Next date of hearing fixed on 31/10/13 at 3.00 p.m. Issue
notices to all."

2. The petitioner is claiming to be the co-owner of the subject premises. The aforesaid order was passed in Panchayat Petition No.8/2015 which was entertained under Section 178(2) of the Goa Panchayat Raj Act, 1994. After filing of this petition the Secretary Panchayat has decided Panchayat Petition No.8/2005 by order dated 11/12/2014. It can thus be seen that if at all the petitioner is aggrieved by the said order and if so advised the petitioner will have to challenge the order dated 11/12/2014.

3. It is submitted by Shri G. Agni, the learned Counsel for the petitioner that there was interim stay granted by this Court on 25/09/2014 which was continued on 9/10/2014 as under :

".... List after vacation. Interim order to continue till then."

4. A perusal of the order dated 11/12/2014 (which is taken on record and marked 'X' for identification) and in particular para 4 thereof shows that the Secretary Panchayat has concluded that the order of stay was not subsisting as on the date of the passing of the order. Be that as it may, in the present petition it is neither necessary nor appropriate to go into all these aspects. As Panchayat Petition No.8/2005 is disposed off on merits, nothing survives in this petition.

5. The petition is accordingly disposed off with liberty to the

petitioner to challenge the order dated 11/12/2014, if so advised.
This would be subject to the question of delay and laches being kept ope.

C. V. BHADANG, J.

NH