

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1124 OF 2016

SHRI. PRADEEP V. SALELKAR.,	... Petitioner
Versus	
THE VILLAGE PANCHAYAT OF COLVA, REP. HEREIN BY ITS SECRETARY/SARPANCH AND 4 ORS.,	... Respondents

Mr. Ashwin D. Bhobe, Advocate for the petitioner.
Mr. A. V. Pavithran, Advocate for the respondent no.1.
Mr. Dattaprasad Lawande, Advocate General with Mr.S. S.
Rebello, Addl. Govt. Advocate for the respondent nos.2 & 5.
Mr. G. Teles, Advocate for the respondent nos.3 and 4.

Coram:- F. M. REIS &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 16th June, 2017

P.C.

Heard Mr. Ashwin D. Bhobe, learned counsel for the petitioner, Mr. A. V. Pavithran, learned Counsel for the respondent no.1, Mr. Dattaprasad Lawande, learned Advocate General for the respondent nos.2 & 5 and Mr. G. Teles, learned Counsel for the respondent nos.3 and 4.

2. The reliefs sought in the above petition is inter alia to direct the respondent no.1 to comply with the order passed by the Directorate of Panchayats for the demolition of the subject construction.

3. During the course of hearing of the above petition, Mr. Bhobe, learned Counsel appearing for the petitioner has brought

to our notice the photographs which are at page 35 of the petition to point out that the subject structure is still in existence. But however, Mr. G. Teles, learned Counsel appearing for the respondent nos.3 and 4 states that the subject structure which was of laterite stone has already been demolished. Mr. Bhobe, learned counsel however submits that the photographs of the existing structure produced by the petitioner are of zinc sheets as the petitioner are not in a position to take the photographs of the actual structure. But, however, Mr. G. Teles for the respondent nos.3 and 4 upon instructions states that no concrete construction or wall of the subject construction are existing beyond the zinc sheets which are shown in the photographs.

4. On perusal of the order of demolition, it clearly discloses that the zinc sheet structure was ordered to be demolished and in fact the attempt by the respondent nos.3 and 4 in getting it regularised did not lead to any favourable decision in their favour.

5. In such circumstances, the question of allowing such illegal construction to continue at this stage would not at all be justified. Hence, respondent no.1 shall take measures to demolish the subject structure mentioned in the demolition notice including the zinc sheet structure if any within 15 days from today and file compliance report herein.

6. Petition stands disposed of accordingly.

PRITHVIRAJ K. CHAVAN, J.

F. M. REIS, J.

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