

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1168 OF 2016

MERG INC. A PARTNERSHIP FIRM, THR.
ITS MANAGING PARTNER SHRI. SKY WALKER
@ AKASHDEEP C. SAIGAL AND ANR.,

... Petitioners

Versus

THE STATE OF GOA, THR. CHIEF
SECRETARY, GOVT. OF GOA, AND 8
ORS.,

... Respondents

Shri Ryan Da Piedade Menezes, Advocate for the petitioners.
Shri S. D. Lotlikar, Advocate General with Shri D. Shirodkar,
Addl. Govt. Advocate for the respondent nos.1 to 3, 6 to 8.
Shri Jayant Mulgaonkar, Advocate for the respondent no.5.

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

Date:- 8th February, 2017

P.C.

Heard Shri R.Menezes, learned Advocate appearing for the petitioners, Shri S. D. Lotlikar, learned Advocate General appearing for the respondent nos.1 to 3, 6 to 8 and Shri J. P. Mulgaonkar, learned Advocate appearing for the respondent no.5.

2. The grievance of the petitioners is that despite of a complaint lodged before the Local Panchayat/the respondent no.4 with regard to an alleged illegal first floor put up by the respondent no.6, no action is forthcoming from the Local Panchayat. The learned Counsel appearing for the petitioner has also brought to our notice a memorandum/application dated

22.11.2016 addressed to the Deputy Director of the Panchayat as well to the Member Secretary of the Goa Coastal Zone Management Authority. The premise on which the petitioners have filed the above petition is that the petitioners are licenses of the ground floor portion of the subject building and that the respondent no.3 has put up the first floor apparently according to the petitioner without due permission from the Statutory Authorities.

3. As the petitioners have an efficacious alternate remedy to invoke the provisions of Section 66(5) of the Panchayat Raj Act, we find that the question of examining the grievance of the petitioners at this stage would not at all be justified. The learned Advocate General points out that the application, if any, filed under Section 66(5) by the petitioners shall be examined by the Deputy Director in accordance with law.

4. In view of the above, we find that, there is no case made out for interference at this stage. Needless to say that authority shall examine such application as expeditiously as possible on its own merits in accordance with law. All the contentions of the parties are left open as we have not examined the correctness or otherwise of any of such contentions. Petition stands disposed off accordingly.

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