

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.489 OF 2018

Ladu @ Mohan Dharma

... Petitioner

Versus

The Office of the Village Panchayat of
Goltim, Navelim, Thr.

Its Secretary and anr.

... Respondents

Mr. Prasheen Lotlikar, Advocate for the Petitioner.

Mr. Ryan Menezes, Advocate for Respondent no.1.

Mr. C.A.Ferreira, Advocate for Respondent no.2.

Mr. A. Jamadar, Additional Government Advocate for Respondent
No.3.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 24 July 2018.

P.C.:

By this petition, the Petitioner has sought an order of
demolition of structure put up by Respondent no.2.

2. It is the case of the Petitioner that all the Authorities have
concluded that the structure of the Respondent no.2 in question, is
illegal and deserves to be demolished. The fact that the structure has

been held to be illegal is an admitted position at the bar. The Respondent no.2 had applied for regularisation. That application has also been rejected. The Village Panchayat has passed an order on 22 July 2018 under Section 66 (4) of the Goa Panchayat Raj Act, 1994, directing the Respondent no.2 to remove the structure within the period of seven days, failing which it shall be demolished through a demolition squad.

3. The learned counsel for the Respondent no.2 states that the Respondent no.2 is proposing to challenge the order and has filed an appeal.

4. All the concerned Authorities, after examining the case of the Respondent no.2, have found the structure to be illegal. Even the application for regularisation has been rejected. On the last occasion, we had made certain prima facie observations regarding the speed at which the Panchayat was processing the application.

5. Considering this position, a limitless indulgence cannot be granted to the Respondent no.2. Seven days time is already granted to the Respondent no.2. We extend that period to 30 days, however, we make it clear that within that period of 30 days, the Petitioner does not get any order as regards to the regularization, interim or final

from the higher authorities, the Village Panchayat will proceed to demolish the structure. The Village Panchayat, upon the expiry of these 30 days period, if no contrary order is passed in appeal, will requisition the demolition squad. The learned Additional Government Advocate states that the demolition squad will be deployed, at the request of the Village Panchayat.

6. A copy of the appeal memo filed by the Respondent no.2 is made available to the petitioner so that the petitioner is aware, if any order is passed.

7. Considering the fact that the writ jurisdiction of this Court has been invoked twice in respect of the structure of the Respondent no.2, the above mentioned time mandate will be strictly complied with by the Village Panchayat, failing which the Secretary of Village Panchayat will be held responsible for the breach of the order of the Court.

8. The Writ Petition is disposed of in above terms. All parties to act on the duly authenticated copy of the order.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.