

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 528 OF 2018

Rose R. P. De Souza

...Petitioner

Versus

1. State of Goa & 6 Ors.

...Respondents

Mr. V. Naik, Advocate for the Petitioner.

Mr. V. Sardesai, Additional Government Advocate for the Respondent Nos.1 and 3.

Mr. H. D. Naik, Advocate for the Respondent No.2.

Mr. D. Pangam, Advocate for the Respondent No.4.

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

Date: 26 June 2018

P.C.

1. Heard Mr. Naik, learned Counsel appearing for the Petitioner, Mr. V. Sardesai, learned Additional Government Advocate appearing for the Respondent Nos.1 and 3 and Mr. D. Pangam, learned Counsel appearing for the Respondent No.4.

2. The Petitioner has made a grievance that inspite of the Judgment and Order passed by the Deputy Director of Panchayat on 2nd February 2018, in an Appeal filed by the Petitioner, directing the Respondent No.4-Panchayat to grant construction licence, the same is not being given. Learned Counsel for the Petitioner submitted that though the Respondent-Panchayat has filed an Appeal to the Director from the order dated 2 February

2018, there is no stay to the said order and, therefore, the order of the Deputy Director should be given effect.

3. Learned Counsel appearing for the Respondent No.4 submitted that an Appeal has been filed by the Respondent-Panchayat which is pending and one of the ground taken in the Appeal is that there is no adequate access as required by law in respect of the Petitioner's property which is borne out from the joint inspection report.

4. The learned Additional Government Advocate appearing for the Respondent Nos.1 and 3 pointed out that the Appeal before the Director is now at the stage of filing of written submissions and after the written submissions are so filed, final order will be passed.

5. Considering the facts and circumstances that an Appeal has been filed by a local body against the order of the Deputy Director taking certain grounds based on a joint site inspection report and that the appeal is provided in law, which is at a final stage, the Petition can be disposed of by directing the Director of Panchayat to dispose of the said Appeal filed by Respondent No.4 at an early date.

6. Learned Counsel appearing for the Petitioner and learned Counsel appearing for the Respondent No.4 state that they will file their written submissions before the Director within a period of two weeks from today. Thereafter, the Director will make an endeavour to dispose of the Appeal as early as possible within a period of three months, if there are no earlier time bound commitments.

7. Keeping all the contentions of the parties open, Writ Petition is disposed of.

Prithviraj K. Chavan, J.

N. M. Jamdar, J.