

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 687 OF 2018

KAMLAKAR SHANKAR GADKAR., ... Petitioner

Versus

THE ADDITIONAL DIRECTOR OF
PANCHAYAT-II, MARGAO AND 2 ORS., ... Respondents

Shri Shivan Desai, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 4th July 2018

ORAL ORDER:

Heard Shri Desai, the learned Counsel for the petitioner for some time.

2. There is an order of demolition of the subject structure, passed against the petitioner, which order is subject matter of challenge before the learned Additional Director of Panchayat. It appears that the petitioner intended to carry out some emergent repairs of replacement of the roof of the subject structure, looking to the current monsoon season. Hence, the petitioner had applied before the learned Additional Director of Panchayat on 12.06.2018. The prayer made in the application is for stay of the stop work order dated 10.06.2018, issued by the Sarpanch of the Village Panchayat. It is submitted that the Sarpanch of the Village Panchayat had no authority to issue the stop work order

and if, at all any, such notice has to be issued, it has to be by the Sarpanch.

3. Be that as it may, the learned Additional Director of Panchayat had refused to pass any emergent orders and the matter before the learned Additional Director of Panchayat is now placed on 09.07.2018. Considering the fact that the application is already pending before the learned Additional Director of Panchayat, it would be appropriate that the Additional Director of Panchayat considers the said application on its own merits and in accordance with law.

4. Shri Desai, the learned Counsel for the petitioner submits that a specific prayer for carrying out repairs has not been made in the application. He therefore seeks leave to appropriately amend the application by adding the prayer for carrying out such repairs to the roof.

5. In such circumstances, the petition is disposed of, with liberty to the petitioner to appropriately amend the prayer clause of the application by adding the prayer for permission to carry out repairs. The learned Additional Director shall hear the parties on the said application and shall decide the same as expeditiously as possible and in any event, on or before 18.07.2018. It is made clear that this Court has not expressed

any opinion on the merits of the application for carrying out repairs.

6. All concerned to act on the basis of an authenticated copy of the order.

C. V. BHADANG, J.

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