

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO.954 OF 2018***

Mr. Ganesh alias Sujay Pai ... Petitioner

Versus

State of Goa & Ors. ... Respondents

Mr. Sandesh D. Padiyar and Mr. P. Arolkar, Advocates for the Petitioner.

Mr. D. Lawande, Advocate General with Mr. R. Shivolkar, Addl. Government Advocate for Respondents.

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

Date : 9 October 2018.

P.C. :

By this petition, the Petitioner has sought to challenge the resolution passed by the Respondent N.3- Village Panchayat dated 30 January, 2018 and has also sought a writ of mandamus to direct the Village Panchayat to issue building licence and permission.

2. As regards the resolution dated 30 January 2018 is concerned, it states that the licence should not be granted to the Petitioner till the toilet issue sought out by the Town and Country

Planning Department is resolved. The learned counsel for the Petitioner submitted that it is factually incorrect as the issue stands resolved. However, we note that there is no representation to the Village Panchayat by the Petitioner bringing to their notice the said fact after the resolution is passed. The Petitioner has directly approached this Court without bringing this factual position which according to the Petitioner exists for grant of licence. It is always open to the Petitioner to bring this factual position which according to the Petitioner is incorrectly reflected in the resolution of the Village Panchayat. After the Petitioner points out the same to the Village Panchayat a decision can be taken accordingly. If the decision is adverse, the Petitioner is entitled to pursue his remedies in law. We do not find a writ of mandamus at this stage is warranted. If the Petitioner makes a representation, it shall be considered expeditiously. The writ petition is disposed of.

Prithviraj K. Chavan , J.

N.M. Jamdar, J.