

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.885 OF 2018.

Maruti Gangappa Hallikar ... Petitioner.

Versus

State of Goa, thr. Chief
Secretary and 2 ors. ... Respondents.

Mr. A. Bhobe, Advocate for the Petitioner.

Mr. D. Lawande, Advocate General with Ms. P. Kamat, Addl. Govt.
Advocate for Respondent nos.1 and 2.

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

Date : 25 September 2018.

P.C.:

On 10 September 2018 following order was passed:-

“Heard the learned counsel for the Petitioner.

- 2. The learned counsel for the Petitioner states that after the order was passed by this Court on 22 February 2018, the Village Panchayat has given no objection by communication dated 16 March 2018. He states that this no objection was placed before the Health Officer and the Health Officer has refused to acknowledge the same on the ground that it cannot be considered as no objection certificate from the local authority. We grant two weeks time to the Health Officer of the Primary Health Centre, Aldona, to place it on affidavit the reason why the communication of the Village Panchayat dated*

16 March 2018 cannot be considered as no objection certificate under which provision of law or Circular of the State.

- 3. We make it clear that if the Health Officer upon reexamination finds that the document can be considered as no objection certificate, without awaiting further hearing of this petition, the Health Officer can proceed to consider the matter on that premise. Stand over to 25 September 2018. To be listed under the caption "For Directions".*

2. The learned Advocate General states that Dr. Manish Gaunekar, Health Officer is present in Court and document dated 16 March 2018 issued by Village Panchayat Bastora has been examined. The learned Advocate General states that even though it is not in official format the contents of the document indicates that Village Panchayat has granted its NOC. The learned Advocate General states that accordingly the Health Officer will construe this as a NOC of the Village Panchayat and proceed with the processing of the permissions to be granted by the Health Department accordingly.

3. In view of this statement of the learned Advocate General, the learned Counsel for the Petitioner on instructions seeks leave to withdraw this petition, which is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.