

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 904 OF 2017

GOLDEN SANDS BEACH HOTEL AND SPA,
REP. BY RANJIT COTTA CARVALHO., ... Petitioner

Versus

VILLAGE PANCHAYAT OF
CANA-BENAULIM., ... Respondent

Mr. Sudin Usgaonkar, Senior Advocate with Mr. K. Padgaonkar,
Advocate for the petitioner.
Mr. Nigel Da Costa Frias, Advocate for respondent no.1.
Mr. A. Jamadar, Addl. Government Advocate for respondent
no.2.

Coram:- SHANTANU S. KEMKAR &
NUTAN D. SARDESSAI, JJ.

Date:- 31st January 2018

P.C.

In terms of the order passed by this Court on 20.12.2017 the inspection report has been submitted along with affidavit by respondent no.2. Affidavit has been sworn by Rajendra S. Balannavar, Assistant Engineer, Water Resources Department II, Rawafond, Salcete Goa. The inspection report at Annexure A attached to the affidavit reads thus :

"In the terms of the order dated 20/12/2017 in Writ Petition No.904/2017 the Hon'ble High Court of Bombay at Goa had directed the Assistant Engineer, Water Resource Department to

file an Affidavit making position clear as regards to the location of Nallah by referring to the Official Records available with the Department. In terms of the said direction, I the undersigned have visited the site on 12/01/2018 and upon inspection of the said site it is seen that the Nallah has been silted up and hence Nallah is not visible. A copy of the photograph of the said Nallah is annexed and marked as Exhibit A.

As per the survey plan available with the Department which is only official record I have verified and seen that there is no encroachment found on the Nallah by Shri Ranjit Cotta Carvalho in survey No.174/1 of the Village Benaullim. Shri Ranjit Cotta Carvalho has constructed the compound wall on side bank of Nallah which is marked in red colour on the Survey Plan available with the Department. A copy of the Survey Plan is annexed and marked as Exhibit B."

2. Keeping in view the aforesaid inspection report, we direct the respondent-Village Panchayat to execute the order dated 31.05.2016 at Exhibit L passed by the Additional Director of Panchayats-I as expeditiously as possibly but not later than four weeks from the receipt of the copy of this order. However, if there is any grievance of the respondent-Village Panchayat, in respect of silting of nalla, it will be open for the respondent-Village Panchayat to take appropriate steps as may be available in accordance with law.

3. The writ petition is disposed of accordingly.

NUTAN D. SARDESSAI, J. SHANTANU S. KEMKAR, J.
at*