

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 40 OF 2019

SAKHARAM VITHAL AMBEKAR @ DILIP
VITHAL AMBEKAR.,

... Petitioner

Versus

STATE OF GOA, THR. CHIEF SECRETARY
AND 8 ORS.,

... Respondents

Mr. Prasheen Lotlikar, Advocate for the Petitioner.

Mr. P. Dangui, Government Advocate for Respondent Nos.1, 2,
3, 4 and 9.

Mr. G. Naik, Advocate for Respondent No.5.

Mr. Ashwin D. Bhobe, Advocate for Respondent Nos.6, 7 and 8.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 4th March 2019

P.C.

Heard Mr. P. Lotlikar, learned counsel for the Petitioner,
Mr. A. D. Bhobe, learned counsel for Respondent Nos.6, 7 and 8,
Mr. G. Naik, learned counsel for Respondent No.5 and Mr. P.
Dangui, learned Government Advocate for Respondent Nos.1, 2,
3, 4 and 9.

2. This petition complains about inaction, mainly on the part
of the panchayat that it comes to taking action against the certain
constructions, which, according to the Petitioner, are illegal, by
Respondent Nos.6, 7 and 8.

3. Mr. Bhobe, learned counsel for Respondent Nos.6, 7 and 8 has placed on record the order dated 16th February, 2019, made by the Village Panchayat of Corgao, ordering the demolition of structure put up by Respondent Nos.6,7 and 8. Mr. Bhobe points out that Respondent Nos.6,7 and 8 have instituted Appeal No.ADP-I/Corgao/P.A.37/2019 before the Additional Director of Panchayats at Panaji, in order to impugn the order dated 16th February, 2019, in which the Appellate Authority, has stayed the execution of the demolition order.

4. Mr. P. Lotlikar, learned counsel for the Petitioner states that in this case the Panchayat delayed the action of demolition by almost one year. He submits that now it is possible that the appeal before the Additional Director of Panchayats is also similarly protracted. He submits that this is a fit case that in the meanwhile, Respondent Nos.6,7 and 8 should be restrained from occupying the premises in question or undertaking any further construction by relying upon the stay order issued by the Additional Director of Panchayats.

5. We direct the Additional Director of Panchayats at Panaji to dispose of the aforesaid appeal instituted by Respondent Nos.6, 7 and 8 as expeditiously as possible and in any case within a period of three months from today. Further, we direct

that during the pendency of appeal before the Additional Director of Panchayats, Respondent No.6, 7 and 8 should not do any further construction upon or in relation to the constructions which are subject matter of the demolition order and the appeal.

6. The Petitioner, is at liberty to seek intervention before the Additional Director of Panchayats. Such application, if made to be decided in accordance with law. However, on the basis of pendency of such application, the Additional Director of Panchayats, not to delay the final disposal of the main appeal.

7. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

8. All concerned to act on the basis of the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

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