

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 70 OF 2019

DEBASHIS CHAKRABORTY.,

... Petitioner

Versus

DY. DIRECTOR OF PANCHAYATS, GOVT.
OF GOA AND ANR.,

... Respondents

Mr. Parag S. Rao, Advocate for the Petitioner.
Mr. D. Lawande, Advocate General with Mr. Vishwadh
Sardessai, Addl. Government Advocate for the Respondents.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 11th April 2019

P.C.

Mr. Rao, learned counsel for the Petitioner states that his client has no objection if the Block Development Officer carries out an inspection in terms of the notice dated 3/8/1/2019 annexed as Exhibit 'L' to the petition. The statement is accepted.

2. It is made clear that the complainant- Ms. Anu Tripathi is not permitted to remain present at the time of taking inspection by the Block Development Officer. The learned counsel states that the Block Development Officer may visit for the purpose of taking inspection on 24th April, 2019 at 11.00 a.m. The statement is accepted.

3. The concerned Block Development Officer shall visit the premises of the Petitioner for the purpose of taking inspection in compliance with the notice dated 3/8/1/2019. The Petitioner shall cooperate with the Block Development Officer for taking the inspection of the premises.

4. In so far as the stop work notice dated 28th December, 2018 is concerned, the learned counsel for the Petitioner states that his client is not carrying out any building construction work. The statement is accepted. In view of this statement made by the learned counsel for the Petitioner, there can be no any apprehension in the mind of the Block Development Officer that any illegal construction is being carried out by the Petitioner. No action shall be initiated against the Petitioner pursuant to the said stop work notice.

5. If the Block Development Officer finds in future that if any illegal construction is carried out by the Petitioner, the Block Development Officer would be entitled to exercise the powers in accordance with law.

6. The learned counsel for the Petitioner states that the complainant-Ms. Anu Tripathi has already filed an appeal against an order passed by the Panchayat before the Director of Panchayats under Section 66(7) of the Goa Panchayat Raj Act,

1994, dropping the action against the Petitioner. The Director of Panchayats is directed to dispose of the said appeal preferred by the complainant-Ms. Anu Tripathi after hearing the Petitioner as well as the complainant-Ms. Anu Tripathi expeditiously in accordance with law and not later than three months from the date of communication of this order.

7. The Petitioner is directed to convey this order to the complainant-Ms. Anu Tripathi as well as to the Appellate Authority for compliance.

8. The writ petition is disposed of accordingly on the aforesaid terms. There shall be no order as to costs.

9. All parties to act on the basis of the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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