

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 18 OF 2011

IN

WRIT PETITION NO. 125 OF 2010

MULLA MURTUZA AND 2 ORS.,

... Petitioners

Versus

SURAJ NAIK, SARPANCH, VILLAGE
PANCHAYAT OF CURTI-KHANDEPAR AND 2
ORS.,

... Respondents

Mr. M. B. D'Costa, Senior Advocate with Ms. K. Betquekar,
Advocate for the petitioners.

Mr. A. Palekar, Advocate for respondent no.1.

Mr. S. Karpe and Ms. A. Tirodkar, Advocates for respondent
no.5.

Mr. S. Dhargalkar, Addl. Govt. Advocate for respondent no.4.

Mr. V. Pangam, Advocate for respondent no.2.

WITH

MCA NO. 449 OF 2018

Mr. R. Menezes, Advocate for applicant.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 20th February 2019

P.C.

Mr. S. Karpe, learned Counsel for respondent no.5 hands in
affidavit filed by Mr. Sanjay Babuli Naik, Secretary of
respondent Village Panchayat of Curti, Khandepar, Ponda Goa.

2. This affidavit now states that structures in question have
been demolished. Mr. M. B. D'costa, learned Senior Counsel for
the petitioners also confirms that the structures in question have

now been demolished.

3. In this case we note that there was inordinate delay in implementation of the orders in respect of which contempt was alleged. Although, such orders had attained finality, various steps were taken to avoid compliance. However, now that the demolition have taken place, we do not deem it appropriate to take any further action in the matter against the contemnor except to the extent indicated hereafter.

4. By our order dated 3.9.2018, taking cognizance of the conduct of the office bearer of the Panchayat, who were enjoined to implement our orders which had already attained finality. We had asked Director of Panchayat to look into the matter. The Director of Panchyat had filed an affidavit on 6.8.2018 stating that show cause notices have been issued on 3.8.2018 and upon receipt of the explanations further action will be taken in the matter. We had also directed that this inquiry be taken to its logical end and be concluded at the earliest. We had also indicated outer limit of six weeks.

5. Mr. S. Dhargalkar, learned Additional Government Advocate states that inquiry in pursuance of the aforesaid is almost concluded and depending upon outcome of the inquiry further action will be taken. Though, we are inclined to dispose of this contempt petition, we direct further action in terms of our order dated 3.9.2018 is to continue.

6. We accept the apologies and explanations now tendered by

respondent nos.1, 2 and 5, who, we are informed, are not the officials against whom aforesaid inquiry is pending and is to be continued. By accepting the apologies and by expressing a fervent hope that Village Panchayat of Curti, Khandepar, Ponda Goa, as also the Authorities against whom contempt was alleged, give no further occasion for complain regards disobedience of judicial or quasi judicial orders. We dispose of this contempt petition.

7. Pending Misc. Civil Application no.449 of 2018 does not survive and the same is also disposed of.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.