

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.299 OF 2019

Meenakshi V. Naik.

.... Petitioner.

Versus

State of Goa and others.

.... Respondents.

Ms. Cota Viegas Maria Carmel Teresa de Jesus, Advocate for the Petitioner.

Mr. D. J. Pangam, Advocate General with Mr. T. Gawas, Addl. Government Advocate for Respondents No.1 and 3.

Mr. Vibhav R. Amonkar, Advocate for Respondent No.5.

Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.

Date : 2nd August, 2019.

P.C. :

Heard Ms. Viegas for the Petitioner, Mr. D.J. Pangam, the learned Advocate General for Respondent Nos. 1 and 3 and Mr. Vibhav Amonkar for Respondent No.5.

2. In this Petition, the main grievance of the Petitioner is that Respondent No.5 has put up a structure which, according to the Petitioner, is illegal and unauthorised. There are allegations that illegal and unauthorised activities are being undertaken in relation to the structure.

3. Ms. Viegas points out that the Panchayat had, in fact, fixed a date for site inspection. However, for no valid reasons the site inspection was not held. She submits that directions are liable to be issued to Respondent No.2 to take action on the complaint made by the Petitioner.

4. Mr. Vibhav Amonkar, learned Counsel for Respondent No.5 submits that Respondent No.5 has not undertaken any illegal or unauthorised construction or development. He submits that in fact, it is the Petitioner who has put up an illegal construction, for which the Village Panchayat has issued a show cause notice in that regard. He points out that a copy of the show cause notice has been placed on record at Exhibit-R3.

5. According to us, in a matter of this nature, we are not required to go into the allegations and counter-allegations made by the Petitioner and Respondent No.5. However, since complaints have been made by both the parties to the Village Panchayat of Mandur, we feel that it is the duty of the Panchayat to look into these complaints and to take action as may be permissible in law.

6. Accordingly, we direct the Village Panchayat of Mandur to look into the rival complaints and take action on the basis of the same, in accordance with law on their own merits. Before any action

is taken, we are sure that the Panchayat will issue necessary show cause notice and comply with the principles of natural justice and fair play. The action is expected to be taken within three months from today. All contentions of all the parties are expressly kept open.

7. The Petition is disposed of with the aforesaid directions. There shall be no order as to costs.

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

Prithviraj K. Chavan, J.

M.S. Sonak, J.