

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 313 OF 2019

Shri Ashok Kustha Sinari

R/o. 25/1, Pimpalwada, Amona Petitioner
Taluka Bicholim, Goa

Versus

- 1 Deputy Director of Panchayats
(North Goa)At Panaji

3rd Floor, Junta House, 18th June
Road, Panaji, Goa.

- 2 Village Panchayat of Amona

Through its Secretary having its
office at Amona – Bicholim Goa.

- 3 Shri Santosh Kustha Sinari

Resident of House No.475, Kalam
Wadda – Amona, Taluka Bicholim,
Goa.

- 4 The Collector,

North Goa, Panaji.

..... Respondents

Mr. Vibhav Amonkar, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. S. Redkar,
Additional Government Advocate for the respondents No.1 and 4.

Mr. S. Taleigaonkar, Advocate for the respondent No.2.

Mr. V. Naik, Advocate for the respondent No.3.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date:- 21st August, 2019

ORAL JUDGMENT: (per M.S. Sonak,J.)

Heard Mr. V. Amonkar, learned Advocate for the petitioner, Mr. D.J. Pangam, learned Advocate General with Mr. S. Redkar, learned Additional Government Advocate for the respondents No.1 and 4, Mr. S. Taleigaonkar, learned Advocate for the respondent No.2 and Mr. V. Naik, learned Advocate for the respondent No.3.

2. Rule. Rule is made returnable forthwith with the consent and at the request of learned Counsel for the parties.

3. The petitioner, by instituting the present petition has made a grievance about the non-execution of order dated 03/05/2018 made by the respondent No.1 for demolition of the construction undertaken by the respondent No.3.

4. Mr. V. Naik, learned Counsel for the respondent No.3 submits that the respondent No.3 has made an application before the Deputy Collector i.e. respondent No.4 herein seeking

regularization of the construction. He submits that at least till the said application is decided by the Deputy Collector, no orders to be issued for execution of the order dated 03/05/2018.

5. Mr. D. Pangam, learned Advocate General submits that the Deputy Collector-Respondent No.4 will dispose of the application made by the respondent No.3 for regularization on its own merits and in accordance with law within a period of 8 weeks from today. The Deputy Collector to accordingly dispose of the application of the respondent No.3 within 8 weeks from today and thereafter communicate the decision to the petitioner, respondent No.3 and the Village Panchayat i.e. respondent No.2.

6. If the Deputy Collector holds that regularization is not possible, the respondent No.2 - Panchayat will have to execute the demolition order dated 03/05/2018 within a reasonable period not exceeding 6 weeks. if the Panchayat required the assistance of the Demolition Squad, then the concerned Collector to provide the same upon requisition from the Panchayat.

7. It is made clear that this Court has not gone into the issue of whether or not the construction of the respondent No.3 can be regularized or not. That matter is left for the determination of

the respondent No.4 in accordance with law and on its own merits.

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

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

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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