

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 301 OF 2019

AVINASH NASNODKAR.,

... Petitioner

Versus

**THE STATE OF GOA, THR. THE CHIEF
SECRETARY AND 7 ORS.,**

... Respondents

Mr. C. Padgaonkar, Advocate for the petitioner.
Mr.S. Taleigaonkar, Advocate for respondent no.5.
Mr. D. Lawande, Advocate General with Mr. A. Jamadar, Addl.
Govt. Advocate for respondent nos.1,2 and 3.
Mr. P. A. Kamat, Advocate for respondent no.4.

Coram:- R. D. DHANUKA &
NUTAN D. SARDESSAI, JJ.

Date:- 25th March 2019

P.C.

The petitioner has impugned the order dated 19.2.2019 passed by the Block Development Officer. The learned Counsel for respondent no.5 tenders copy of the order dated 8.3.2019 passed by Director of Panchayat North Goa at Panaji in Panchayat Appeal preferred by the respondent no.5 thereby granting ex-parte stay on the stop work notice dated 19.2.2019 until further orders. The learned Counsel for respondent no.5 states that his client is carrying out painting works and is not carrying out any structural work.

2. The learned Counsel for the petitioner on the other hand invited our attention to the inspection report dated 19.3.2019

prepared by M/s. Mario J. S. Colaco and Associates in support of his submission that there is possibility of structural damage having being caused to the flat of the petitioner and the rest of the building due to the construction work carried out by respondent no.5.

3. It is in the interest of justice that panchayat appeal preferred by respondent no.5 under Section 66(7) of the Goa Panchayat Raj Act, 1994 itself be disposed of expeditiously. The learned Advocate General submits that Director of Panchayat North Goa Panaji will dispose of the interim application preferred by the respondent no.5 within 10 days from today. Statement is accepted. The learned Director of Panchayat North Goa shall dispose of said application within 10 days from today after hearing the petitioner as well as the respondent no.5. Copy of the order shall be communicated to both the parties within two days from the date of passing of the order.

4. In so far as painting work is going on in the flat by respondent no.5 is concerned, the respondent no.5 can go ahead with the painting work without prejudice to the rights and connections of both the parties. Respondent no. 5 shall not claim any equity. Painting work if done, it would be at his own risk. If any direction is issued by the Director of Panchayat, North Goa to remove any of the construction work if found to be illegal, respondent no. 5 shall remove such illegal construction at his own costs or as may be directed by the Director of Panchayat.

It is made clear that this Court has not expressed its view on merits and all contentions of both the parties are left open.

5. The learned Advocate General undertakes to communicate this order to the Director of Panchayat. Respondent no. 5 is directed to implead petitioner as a party to the said appeal. Amendment to be carried out within two days from today. Both the parties are directed to appear before the Director of Panchayat, North Goa Panaji at 3.00p.m on 26.3.2019. It is made clear that no fresh notice to any of the parties to appear before the Director of Panchayat would be issued.

6. Parties as well as Director of Panchayat to act on the basis of authenticated copy of this order.

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

NUTAN D. SARDESSAI, J.

R. D. DHANUKA, J.