

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 381 OF 2019

AVINASH NASNODKAR.,

... Petitioner

Versus

DIRECTOR, DIRECTORAT OF PANCHAYAT,
PANAJI AND 2 ORS.,

... Respondents

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. Arun A. S. Talaulikar, Additional Government Advocate for
the Respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 7th June 2019

P.C.

By this petition, the petitioner is challenging the order dated 04.04.2019 passed by the first respondent, Director of Panchayat, confirming an exparte order of stay dated 08.03.2019. By the said order, the learned Director of Panchayat has granted stay of the Stop Work Notice dated 19.02.2019 issued by the Block Development Officer (BDO), Mapusa.

2. On 12.04.2019, this Court had issued notice to the respondent based on two contentions raised on behalf of the petitioner first, that the learned Additional Director has no jurisdiction to grant stay of the order passed by the BDO and second, that the appeal was fixed for orders without the

petitioner being heard on merits.

3. Mr. Padgaonkar, the learned Counsel for the petitioner, on instructions, states that the petitioner shall not press for the said ground. Thus, the said ground does not survive.

4. Insofar as the second contention is concerned, the learned Additional Government Advocate has submitted that the learned Director shall hear the parties on merits in the appeal. He points out that the appeal is fixed for hearing on 18.06.2019. In view of the specific statement made on behalf of the respondent, the second grievance of the petitioner that the appeal is fixed for orders without the petitioner being heard on merits is taken care of and would not also survive.

5. Mr. Padgaonkar, the learned Counsel for the petitioner has submitted that the entire dispute can be resolved by directing a joint inspection of the subject structure by an independent person/authority. The learned Counsel, on instructions, states that the petitioner shall file an appropriate application before the Director for carrying out the joint inspection of the suit premises.

He submits that the said application along with the appeal pending before the Director may be expedited so that it can be

decided within a time bound manner.

6. I find that the said submission made is well founded.

7. In the result, the petition is disposed off in the following terms :

ORDER

(i) Liberty is granted to the petitioner to file appropriate application before the Director for conducting a joint site inspection of the suit premises.

(ii) If such an application is filed, the Director shall decide the same on its own merits and in accordance with law.

(iii) It will be open to the Director to consider the said application before taking up the appeal on merits.

(iv) The appeal pending before the Director is hereby expedited and shall be decided as expeditiously as possible and within a period of 8 weeks from the receipt hereof.

(v) Rival contentions of the parties on merits are left open.

(vi) In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.

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