

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 624 OF 2019**

Shri Joseph Sequeira,
major of age, married, businessman,
r/o H. No.1/196, Gauravaddo,
Calangute, Bardez, Goa.

... Petitioner

Versus.

1. The Director of Panchayats,
having office at 3rd Floor,
Junta House, Tiswadi, Panaji, Goa.
2. The Director of Vigilance,
having office at Serra Building,
Altinho, Panaji, Goa.
3. The Secretary,
Village Panchayat of Calangute
having office at Calangute, Goa.
4. Sarpanch
Village Panchayat of Calangute,
having office at Calangute, Goa.
5. Deputy Sarpanch
Village Panchayat of Calangute
Calangute, Bardez-Goa.

... Respondents

Mr. Nitin D. Sardesai, Senior Advocate alongwith Mr. Vibhav Amonkar, Advocate for the Petitioner.

Mr. Shailesh Redkar, Additional Government Advocate for Respondents no. 1 and 2.

Mr. Pankaj Vernekar, Advocate for Respondent No. 3, 4 and 5.

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

Date : 5th September 2019.

Oral Judgment: (Per M. S. Sonak, J.)

Heard Mr. Nitin D. Sardesai, learned Senior Advocate alongwith Mr. Vibhav Amonkar, Advocate for the Petitioner, Mr. Shailesh Redkar, learned Counsel for Respondents no. 1 and 2 and Mr. Pankaj Vernekar, learned Counsel for Respondents no. 3, 4 and 5.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties. Mr. S. Redkar, learned Additional Government Advocate waives service on behalf of Respondents no. 1 and 2 and Mr. Pankaj Vernekar, learned Counsel waives service on behalf of Respondents no. 3, 4 and 5.

3. Mr. Redkar, learned Additional Government Advocate who appears on behalf of Respondents no. 1 and 2, on instructions, makes the statement that Respondent no. 1, i.e. Director of Panchayats will look into and dispose of the Petitioner's complaints dated 24.12.2018 and 08.05.2018 as expeditiously as possible and, in any case, within a period of four months from today. He states that

such complaints will be looked into and disposed of in accordance with law and on their own merits, by complying the principles of natural justice and fair play. We accept this statement as a statement made to this Court. According to us, the main grievance raised in this Petition stands substantially redressed, upon acceptance of such statement.

4. Mr. Sardesai, the learned Senior Advocate for the Petitioner however points out that the complaint dated 08.05.2018 is against the Secretary of the Panchayat and, therefore, is required to be looked into by the Director of Vigilance. According to us, in peculiar facts of the present case, the complaint can be looked into by the Director of Panchayats who is concerned with the administration of the Panchayat of which, the Respondent no. 3 is the Secretary, in the first instance. If the Director of Panchayat is of the opinion that the complaint is of such nature as is required to be referred to the Director of Vigilance, the Director of Panchayats is at liberty to do so.

5. With the aforesaid clarification, and by accepting the aforesaid statements, we dispose of this Petition. We make it clear that the Director of Panchayat and, if necessary, the Director of Vigilance should act consistent with the principles of natural justice and fair play and take decision in accordance with law on their own merits.

6. We clarify that the principles of natural justice in the present case would involve not only hearing of the persons against whom the complaint is made, but also to the complainant, i.e. the present Petitioner.

7. Rule is disposed of in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

msr.