

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 435 OF 2019

PRITESH SHETYE.,

... Petitioner

Versus

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

... Respondents

Ms. Kalpa Govenkar, Advocate for the Petitioner.

Ms. Neha Kholkar, Advocate for Respondent Nos.1, 2 & 3.

Mr. Ganesh Naik, Advocate for Respondent No.4.

Mr. Kewal Sawant, Advocate for Respondent Nos. 5, 6 & 7.

Mr. Cannigia Carvalho, Advocate for Respondent No.8.

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

Date:- 6th August, 2019

P.C.:

Heard Ms. K. Govenkar for the petitioner. Ms. Neha Kholkar, learned Counsel appears for respondent Nos.1, 2 and 3. Mr. Ganesh Naik, learned Counsel appears for respondent No.4, Mr. Kewal Sawant, learned Counsel appears for respondent Nos. 5,6 and 7 and Mr. C. Carvalho, learned Counsel appears for respondent no. 8.

2. The complaint of the petitioner in this petition is that the respondent Nos.5 to 8 have carried out certain illegal and

unauthorized constructions and despite representations, the respondent No.4 which is a Village Panchayat of Uguem has not taken any action.

3. Mr. G. Naik, learned Counsel for the respondent No. 4 points out that in pursuance of the petitioner's complaint, a stop notice dated 04.05.2019 has already been issued to the respondent Nos.5 and 6. He submits that this notice will be taken to its logical conclusion.

4. In so far as the complaints against respondent Nos.7 and 8 are concerned, we direct the respondent No.4 to look into the complaints and to take appropriate action as is permissible under the law.

5. Though, we are directing the respondent No.4 to take the notices issued against respondent Nos.5 and 6 or to take action against respondent Nos.7 and 8, we make it clear that such action, should be preceded by due compliance with principles of natural justice and fair play. Besides, we make it clear that we have not accepted the case of petitioner that respondent Nos.5 to 8 have indeed carried out illegal constructions nor we have accepted the case of said respondents that they have not carried out illegal construction.

6. All these are matters which the Panchayat should examine and thereafter take appropriate action as is warranted in law. We direct the Panchayat to complete this process as expeditiously as possible and in any case within three months from today.
7. The necessary decision to be communicated to all the parties.
8. With the aforesaid directions, we dispose of this petition.
9. There shall be no orders as to costs.
10. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-