

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 511 OF 2019**

SHREE MAHADEV DEVASTHAN, THR. ITS
ATTORNEY, RAJENDRA PANDHARI SAWANT
DESSAI.

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS.

... Respondents

Mr. Krishna M. N. Dessai, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. Vishwadh Sardessai, Addl.
Government Advocate for Respondent Nos.1 & 2.

Mr. P. Talaulikar, Advocate for Respondent Nos.3 and 4.

Mr. V. A. Lawande, Advocate for Respondent No.5.

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

Date:- 23rd July 2019

P.C.

Heard Mr. K. Dessai, learned counsel appearing for the
Petitioner, Mr. D. Pangam, learned Advocate General for Respondent
Nos.1 and 2, Mr. Talaulikar, learned counsel for Respondent Nos.3 and
4 and Mr. V. Lawande, learned counsel for Respondent No.5.

2. Though, several contentions have been raised on facts on
behalf of the Petitioner and Respondent No.5, in exercise of our
jurisdiction under Articles 226 and 227 of the Constitution of India, we

are afraid, we cannot go into such issues. However, the learned counsel for the Petitioner points out that the Petitioner has made complaints dated 7th May, 2018 and 10th April, 2019 to Respondent Nos.2 and 3 which, according to him, have not been disposed of as yet.

3. Mr. Talaulikar, learned counsel for Respondent No.3 points out that in pursuance of previous directions in Writ Petition No.1149 of 2018, Respondent No.3 did afford an opportunity of hearing to the Petitioner and Respondent No.5. He however, submits that till there is proper demarcation of property of the Petitioner and Respondent No.5, it will not be possible to make any effective orders.

4. According to us, once there was a direction to dispose of the complaint, Respondent No.3 was required to make an order on the complaint. Admittedly, no order has been made disposing of the complaint. Therefore, we redirect the Respondent No.3 to dispose of the complaint made by the Petitioner on their own merits and in accordance with law after affording an opportunity of hearing to both the Petitioner as well as Respondent No.5. Both the parties are at liberty to place on record the documents which they seek to rely upon in support of their respective positions. Respondent No.3 to dispose of the complaint by making an order as expeditiously as possible and in any case within a period of six weeks from today.

5. Similarly, Respondent No.2, which is the Deputy Town Planner to also dispose of the complaint made by the Petitioner, again, on their own merits in accordance with law within a period of eight weeks from today. Respondent No.2 also afford an opportunity of hearing to both the Petitioner as well as Respondent No.5. Both the parties are at liberty to produce the documents before Respondent No.2. We make it clear that we have not adverted to the rival contentions and therefore, all the contentions of parties are left open to be decided by the Respondent Nos.2 and 3.

6. With the aforesaid directions, this petition is disposed of.

7. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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