

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 718 OF 2019

RAGHUNATH NAIK DESSAI,

... Petitioner

Versus

**STATE OF GOA, THR. CHIEF
SECRETARY, GOVT. OF GOA AND 6
ORS.,**

... Respondents

Mr. Shivan Desai with Ms. Maria Viegas, Advocates for the
Petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for
Respondent Nos. 1 to 4 and 6.

Ms. Aleesha Dos Reis Falcao, Advocate for Respondent No. 5.

Mr. Amey Kakodkar, Advocate for Respondent No. 7.

Coram:- M. S. SONAK &
C. V. BHADANG, JJ.

Date:- 6th November, 2019

ORAL ORDER:

Heard the learned Counsel for the parties.

2. The main grievance raised in this petition pertains to a structure being put by the respondent no. 7, which according to the petitioner is illegal and unauthorized. It is the case of the petitioner that the statutory authorities have not initiated action and hence, the petitioner has prayed for appropriate writ.

3. Mr. Kakodkar, the learned Counsel for the respondent no. 7 denies the allegations made in the Petition. He pointed out that the petitioner had in fact raised an illegal construction against

which, there is a demolition order and therefore, this petition has been filed by way of counterblast.

4. According to us, we are not required to go into these issues because if there are any complaints of an unauthorized construction, the authorities are duty bound to look into such complaints and to take action in accordance with law. In this case, the Deputy Director of Panchayats has already assumed powers in terms of Section 66 of the Goa Panchayat Raj Act, 1994.

5. Ms. Mordekar, the learned Additional Government Advocate also confirmed this position.

6. Further, it is reported that the Panchayat has issued some notices to the respondent no. 7 in relation to the said structure. It is also stated that the Block Development Officer has issued similar notices in relation to the structure in question.

7. From the aforesaid, it is clear that the authorities are looking into the grievances of the petitioner and therefore, it is not necessary to keep the Petition pending, except that the authorities should take the matter to its logical end. The exercise in the present case should be completed in one way or the other within three months from today. Similarly, the petitioner's

Appeal before the Directorate of Panchayats against the demolition order dated 31.07.2018, which is stated to be pending before the Directorate of Panchayats, is also to be disposed off in one way or the other within three months from today. All contentions of the parties are left open.

8. Ms. Mordekar, the learned Additional Government Advocate agrees to communicate and place on record, these directions on the file of the Directorate of Panchayats, which is taking up the petitioner's Appeal.

9. This Petition is disposed off in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

M. S. SONAK, J.

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