

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1074 OF 2018**

ABHISHEK NATEKAR.,

... Petitioner

*Versus*VILLAGE PANCHAYAT OF CALANGUTE,
THR. ITS SECRETARY.,

... Respondent

Mr. Sudin Usgaonkar, Senior Advocate alongwith Ms. Tanvi Kamat
Ghanekar, Advocate for the Petitioner.

Mr. Kapil Kerkar, Advocate for Respondent no. 1.

Mr. Prasheen Lotlikar, Advocate for Respondents no. 2, 3 and 5.

**Coram : M. S. SONAK &
NUTAN D. SARDESSAI, JJ.****Date : 28th August, 2019.*****P. C.***

Heard Mr. Usgaonkar, learned Senior Advocate
alongwith Ms. Tanvi Kamat Ghanekar, learned Counsel for the
Petitioner, Mr. Prasheen Lotlikar, learned Counsel for Respondents
no. 2, 3 and 5 and Mr. Kapil Kerkar, learned Counsel for the
Respondent no. 1, the concerned Village Panchayat.

2. Mr. Kerkar hands in affidavit dated 28.08.2019 sworn by Mr. Raghuvir Bhagkar, who is the Secretary of Respondent No. 1 – Village Panchayat, in which it is stated that the Panchayat has implemented its order dated 10.02.2011 and has demolished the structures. Photographs of such demolished structures have been annexed as Annexure-E 1 Colly to this affidavit.

3. Mr. Usgaonkar submits that the Petitioner will verify the aforesaid statement. According to us, since these statements have been made in affidavit by the Secretary of the Village Panchayat, there is no necessity of doubting the same. If, upon verification such statements are found to be incorrect, the Petitioner, can always take appropriate measures in that regard.

4. Mr. Lotlikar, learned Counsel for Respondents no. 2, 3 and 5 submits that the Panchayat in the garb of implementing its order dated 10.02.2011 have proceeded to demolish the structures of the Respondents, which in fact did not pertain to the demolition order dated 10.02.2011. This is disputed by both, Mr. Usgaonkar as well as Mr. Kerkar. Mr. Lotlikar submits that there was no panchanama available with the Panchayat in relation to the directions which formed the subject matter of the notice dated 10.02.2011. It is not possible for us to go into such issues. He submits that Panchayat has taken undue advantage of this position. However, it is

open to the Respondents to take up appropriate proceedings before the appropriate forum to agitate this grievance.

5. Since the only relief sought in this petition was the implementation of the order dated 10.02.2011 made by the Village Panchayat, there is no necessity to keep this petition pending any further.

6. Accordingly, accepting the statements made in the affidavit of Respondent No. 1 and without prejudice to any rights and remedies which the Respondents whom Mr. Lotlikar represents may have, we dispose of this Petition.

7. In view of the above, the Miscellaneous Civil Application no. 437 of 2019 will not survive and the same is also disposed of.

NUTAN D. SARDESSAI, J. M. S. SONAK, J.

msr.