

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 871 OF 2019

MANUEL VICTOR DIAS., ... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 11 ORS., ... Respondents

Mr. Gaurish N. Agni, advocate for the petitioner.
Mr. D. Pangam, Advocate General along with Mr. Prashil
Arolkar, Additional Government Advocate for respondent no.1
to 5.

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

Date:- 1st October, 2019

P.C.:

Heard Mr. G. Agni, learned counsel for the petitioner.

2. The basic grievance of the petitioner is that the petitioner's complaints to the Village Panchayat and Deputy Collector are not being attended to.

3. From the record we find that the petitioner has already instituted a Civil Suit in the matter on some construction undertaken by respondents no.7 to 12. There are injunctions also obtained therein. The issue was also considered by this Court in

Writ Petition No.411/2019 as is evident from the order dated 16.07.2019 made therein.

4. The grievance that the Village Panchayat of Majorda, Uttorda and Calata is not acting in the matter, may not be justified since, the Village Panchayat, has already issued a show cause notice. Mr. Agni, however, complains that there is a move to regularize the construction.

5. Petition cannot be filed to preempt the exercise of regularization, assuming, that such regularization is indeed permissible. If, according to the petitioner, no regularization is permissible, it is always open to the petitioner to challenge the order of regularization as and when made in accordance with law. There are several provisions under the Panchayat Raj Act which afford adequate remedy to the petitioner in such a situation.

6. If the show cause notice is not being disposed of by the Panchayat, it is open to the petitioner to apply to the Panchayat for disposal of the show cause notice. If such application is made, the Panchayat, to dispose of such application and if necessary, the show cause notice itself expeditiously. However, the Panchayat will have to comply with the principle of natural justice and fair play in the matter.

7. With the aforesaid observations, we decline to entertain this petition.

8. 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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