

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 885 OF 2019

Smt. Medha Madan Chodankar
and others.

..... Petitioners.

Versus

State of Goa and others. .

..... Respondents

Mr. Prasheen Lotlikar, Advocate for the Petitioners.

Mr. D. J. Pangam, Advocate General with Mr. Gopal T. Gawas,
Additional Govt. Advocate for Respondents No.1,2 & 5.

CORAM : PRADEEP NANDRAJOG, CJ.,
M.S. SONAK, J.

OCTOBER 07, 2019

P.C.:-

Heard learned Counsel for the Petitioners. In view of the final order that we propose to pass, the Writ Petition can be disposed of without a formal notice being issued to the Respondents.

2. The issue pertains to land comprised in Survey No.82/12 of Village Pencha de Franca. As per the Petitioners, they and the fourth Respondents, are co-owners of the land. As pleaded, an old residential house bearing No.643 exists at site, which admeasures 1075 sq. metres.

3. The grievance is to the fourth Respondent undertaking

construction of a septic tank, a soak pit and a toilet. As per the Petitioners, they have not consented to the fourth Respondent undertaking the construction activity.

4. The pleadings in the Writ Petition, make good with reference to Exhibit C, Exhibit E, Exhibit F and Exhibit G, show that the Village Panchayat has been informed of the construction activity undertaken by the fourth Respondent without any sanction. Exhibit F would show that the notice issued by the Gram Panchayat came to be quashed in DP/APPEAL/N/42/2019 with a direction that the Panchayat should decide the matter as per law.

5. Since, the Village Panchayat has been informed of the stated illegal activity undertaken by the fourth Respondent, we dispose of the Petition directing the fourth Respondent to ensure that the Secretary of the Village Panchayat issues necessary notice to the fourth Respondent and pursuant to the notice issued, passes necessary order contemplated by law. The mandamus shall be complied with by passing necessary order, within two weeks of receipt of a certified copy or an authenticated copy of the present order. The Village Panchayat would also ensure compliance with the order passed by it.

M.S. SONAK, J.

CHIEF JUSTICE