

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1137 OF 2018

**KASHINATH TIMA DHAVALIKAR @
GAUDE.,**

... Petitioner

Versus

**VILLAGE PANCHAYAT QUEULA, THR. ITS
SECRETARY AND 2 ORS.,**

... Respondents

Mr. Joaquim Godinho, Advocate for the Petitioner.

Mr. Jatin Ramaiya, Advocate for Respondent Nos. 2 and 3.

Coram:- C. V. BHADANG, J.

Date:- 12th June 2019

ORAL ORDER:

On hearing the learned Counsel for the parties and on perusal of record, I do not find that the petition can be favourably entertained.

2. The respondent no. 1-Village Panchayat has issued a notice for demolition, under Section 66(4) of the Goa Panchayat Raj Act, 1994 (Act, for short), in respect of certain unauthorized structures, allegedly erected by the petitioner. Feeling aggrieved, the petitioner has challenged the same before the learned Additional Director of Panchayats, which Appeal is pending.

3. The respondent nos. 2 and 3 had sought their intervention in the Appeal on the ground that they are co-owners of the

property bearing survey no. 26/1 of village Queula, where the alleged unauthorized structures are existing.

4. The application for intervention was opposed by the petitioner, on the ground that there were separate suits filed by the respondent nos. 2 and 3, for declaration of their rights over land survey no. 26/1. It was contended that the suits have been dismissed. Thus, the respondent nos. 2 and 3 cannot claim to be the co-owners of land survey no. 26/1.

5. The learned Additional Director of Panchayats has allowed the intervention application by order dated 08.10.2018. Hence, this petition.

6. The learned Counsel for the respondent nos. 2 and 3 pointed out the reply, which is supported by an affidavit, in order to submit that the dismissal of the suits is subject matter of challenge in Appeals, which are pending before the Appellate Court.

7. Mr. Godinho, the learned Counsel for the petitioner has expressed an apprehension that the respondent nos. 2 and 3, by seeking their intervention, are trying to enlarge the scope of the Appeals.

8. I am afraid, the contention cannot be accepted. It is evident that the Authority under the Panchayat Raj Act, cannot dwell or decide on the issue of ownership. The only question before the learned Additional Director of Panchayats, is whether, the notice of demolition is legal and proper, or not.

9. Mr. Ramaiya, the learned Counsel for the respondent nos. 2 and 3 submits that the respondent nos. 2 and 3 are only intending to support the order of demolition, as passed by the Village Panchayat and will not agitate the issue of co-ownership, which is sub judice before the District Court.

10. In that view of the matter, no case for interference is made out. The petition is accordingly dismissed, with no order as to costs.

C. V. BHADANG, J.

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