

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2019

1. Shankar Narayan Naik
H.No.52, New Wada
Pilgao - Bicholim -Goa

2. Sulekha S. Navelkar
H.No.8, New Wada,
Pilgao, Bicholim -Goa.

3. Amrita Naik
H.No.47, New Wada,
Pilgao, Bicholim -Goa.

...Petitioners.

V/s.

1. The State of Goa
Through its Chief Secretary,
having office at Secretariat,
Porvorim, Bardez- Goa.

2. Collector, North Goa
having office at Collectorate
Building, Panaji.

3. Deputy Collector & SDO,
Bicholim
Having office at Bicholim- Goa.

4. Block Development Officer, Bicholim
Having office at Bicholim - Goa.

5. Town & Country Planning Department

having office at Bicholim - Goa.

6. Deputy Conservator of Forests
North Goa Division, Ponda- Goa.

7. Village Panchayat of Piligaon
Through its Secretary, having office
near Branch Post Office Piligao

8. Shripad Laxman Sawant
H. No. 34, Copardem, Sattari - Goa. ... Respondents

Mr. Aniroodh C. Sardesai, Advocate for the petitioners.

Mr. Deep Shiroadkar, Addl. Government Advocate for Respondent
Nos. 1 to 6.

Mr. Ravi Gawas, Advocate for Respondent No. 7.

Mr. Neelesh A. Takkekar, Advocate for Respondent No.8.

**Coram : M. S. Sonak &
Nutan D. Sardesai, JJ.**

Date : 28th August, 2019.

ORAL JUDGMENT (Per M.S. Sonak,J):

Heard Mr. A. Sardesai, learned Counsel for the Petitioner. Mr. Deep Shiroadkar, Addl. Government Advocate for the respondent Nos. 1 to 6, Mr. Takkekar, learned Counsel for Respondent No. 8 and Mr. Ravi Gawas, learned Counsel for Respondent No.7.

2. On 10.06.2019, we made the following order:-

This petition concerns development activity undertaken by respondent no.8 or its transferees, which is said to be illegal. Pursuant to the directions passed on 30/01/2019 and further orders passed thereafter, the Deputy Director of Panchayats has conducted proceedings and submitted a site inspection report before this Court. Based on the report, Village Panchayat, Piligao has issued a show cause notice and proceeded to hold the construction of residential house in survey under No. 189/1-A at Village Piligao as illegal and direct demolition of the illegal construction. Directions are passed against particular occupants of the residential houses in survey under no.189/1-A at Village Piligao as also against unknown persons.

2. Since the petition concerns stoppage of, and action against, illegal development, reliefs sought in the petition are practically worked out. Learned Counsel for the petitioners, however, seeks time to enable his client to visit the site and also take instructions on the alleged action taken by the Village Panchayat.

3. Stand over to 25/06/2019.”

3. Today, Mr. Sardesai the learned Counsel for the petitioner submits that the property bearing survey no. 189/1-A which was the subject matter of the present petition have been further sub-divided into survey No. 189/1-A, 1-B and 1-C etc. He submits that though the authorities have stated that they are taking action against the construction/development which has come up in the property bearing survey No. 189/1-A, it should be clarified that this will

include action under the various sub-divisions of these survey numbers.

4. We direct the respondents, including in particular the respondent No. 5 the Town & Country Planning Department and respondent No. 7 Panchayat to look into this aspect and if it is correct that the sub-divisions relate to the same survey no. 189/1-A, then to initiate proper action in accordance with law as against the construction/development in the said sub-divisions as well. No doubt, the Authorities have to comply with the principles of natural justice and fair play before any coercive action is initiated.

5. The records indicate that action has already been taken against several constructions/development. It is possible that the matters are pending before various authorities at the instance of the occupants/developers. However, that is not a ground to retain this petition on this file, now that we are satisfied that the statutory authorities are taking action in terms of law.

6. Besides, if according to the petitioner, no action is being taken against certain construction/development, it is always open to the petitioner to make complaint to the appropriate authorities. We are sure that if such complaints are made, the appropriate authorities

will dispose of such complaints as expeditiously as possible and in any case, within a period of two months, the same are filed.

7. We are also sure that the authorities will comply with the principles of natural justice and not take any coercive action against the parties without such parties being given the opportunity to show cause in the matter.

8. According to us, the aforesaid directions redress the issue raised in the present petition atleast substantially.

9. This petition is accordingly disposed of with the aforesaid directions.

10. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

MF/-