

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 158 OF 2019

Mukundraj M. Kirtani. Petitioner.

Versus

State of Goa and others. Respondents.

Mr. Vledson Lucio Braganza, Advocate for the Petitioner.

Ms. Neha Kholkar, Additional Govt. Advocate for Respondent Nos.1, 2, 5, 6 and 7.

Mr. P. Shirodkar, Advocate for Respondent No.4.

***Coram : S.C. Gupte &
Prithviraj K. Chavan, JJ.***

Date : 18th June, 2019.

P.C. :-

This Petition seeks to challenge a construction of Respondent No.3, which is said to be illegal. The construction activity was stopped by Respondent No.4 Panchayat by a stop work notice. The stop work notice of the Panchayat was challenged in a Panchayat Appeal before the Additional Director of Panchayats-I in Panchayat Appeal No.ADP-1/BAR/P.A.64/2018. The Appeal has now been partly allowed by the Additional Director of Panchayats by an order dated 6th June, 2019, remanding the matter to the Respondent Panchayat to conduct a fresh inquiry. Whilst the order allowing the Appeal partly can be subject matter of a fresh challenge,

so far as this Petition is concerned, it has become infructuous.

2. The Petition is, accordingly, disposed of as infructuous, leaving it open to the Petitioner to challenge the order of the Additional Director of Panchayats, allowing the Appeal of Respondent No.3, partly. All rights and contentions of the parties, on merits, are kept open. It is made clear that the objections of Respondent No.3 to the maintainability of any challenge to the order of the Additional Director on behalf of the Petitioner, are kept open.

Prithviraj K. Chavan, J.

S.C. Gupte, J.