

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 482 OF 2019**

RABANI MOULANA SHAIKH AND 3 ORS.

... Petitioners

*Versus*

THE CHIEF SECRETARY, GOVT. OF GOA  
AND 9 ORS.

... Respondents

Mr. J. Abreu Lobo, Advocate for the Petitioners.

Mr. Pravin N. Faldessai, Addl. Government Advocate for Respondent Nos.1,2,3,6,7,8 & 9.

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

Mr. Dinesh Naik, Advocate for Respondent No.5.

Ms. M. Viegas, Advocate for Respondent No.10.

**Coram:- M. S. SONAK &**

**SMT. M. S. JAWALKAR, JJ.**

**Date:- 6th January, 2020**

**P.C.**

Heard Mr. Lobo, learned counsel for the Petitioners, Mr. Faldessai, learned Addl. Government Advocate for Respondent Nos.1, 2, 3, 6, 7, 8 and 9, Mr. D. Naik, learned counsel for Respondent No.5, Mr. H. Shirodkar, learned counsel for Respondent No.4, and Ms. Viegas holding for Mr. J. Ramaiya, learned counsel for Respondent No.10.

2. In this petition, the main grievance of the Petitioners relates to setting up of LPG gas godown by Respondent No.10 in Collem Village in

plot bearing Survey No.20/1-H.

3. Respondent No.5-Panchayat has filed an affidavit in which it is stated that on the basis of the complaint filed by the Petitioners, the Panchayat withheld the occupancy certificate. However, the Block Development Officer, by order dated 13<sup>th</sup> February, 2019 in an appeal instituted by the Respondent No.10, has directed the Panchayat to issue occupancy certificate. The affidavit states and Mr. D. Naik confirms that the Panchayat has filed Revision application to the Deputy Director of Panchayats against the order dated 13th February, 2019 and the said Revision application is pending adjudication.

4. From the aforesaid, it is clear that the Panchayat is taking action on the basis of the complaint of the Petitioners.

5. The Petitioners have made complaints to several other authorities who are now impleaded as Respondents in this petition. The Petitioners have alleged that these authorities have issued permissions without inspecting the site. The Petitioners allege that these authorities are not looking to the complaints of the Petitioners.

6. Some of the Respondents have filed their responses denying all such allegations.

7. In any case, now that the complaints have been made out by the Petitioners, we direct these authorities to look into the complaints of the Petitioners and to dispose them of in accordance with law and by complying with the principle of natural justice and fair play. The complaints to be disposed of by the authorities within a period of two months from today.

8. We make it clear that we have not gone into the issue of legality or otherwise of the godown and therefore it is for the authorities to look into the complaints and dispose them of in accordance with law and on its own merits.

9. In particular, Mr. Lobo points out that the complaint which remains to be disposed of is the complaint dated 26<sup>th</sup> February, 2019 at Exhibit P-16 to this petition.

10. We clarify that the complaint of the Petitioners will have to be disposed of by the Collector, Director of Fire and Emergency Services, Town Planning Department and Respondent No.4. This clarification is issued because the Petitioners' complaint is addressed to the several authorities.

11. The petition is disposed of in the aforesaid terms. There shall

be no order as to costs.

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

**SMT. M. S. JAWALKAR, J.**

**M. S. SONAK, J.**

**at\***