

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.148 OF 2020

Theresa D'Mello.

..... Petitioner.

Versus

Deputy Director of Panchayats,
and others.

..... Respondents.

Mr. Anthony Joe D'Silva, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Additional Govt. Advocate for Respondents
No. 1 & 2.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.***

Date : 2nd March, 2020.

P.C. :-

Heard Mr. Anthony D'Silva for the Petitioner and Mr. Sagar Dhargalkar, learned Additional Government Advocate for Respondents No.1 and 2.

2. For the order which we propose to make, no notice is necessary to Respondents No.3 and 4.

3. The Petitioner points out that he has filed complaints to Respondent No.3-Panchayat against the construction undertaken by Respondent No.4. Since the Panchayat took no action in the matter, the Petitioner approached the Deputy Director of Panchayats to

assume the powers of the Panchayat. The Deputy Director of Panchayats called upon the Block Development Officer (BDO) to submit a report. The BDO has submitted the report. Despite of all these Petitioner's complaints, the Deputy Director is not proceeding with the matter by assuming the powers of the Panchayat.

4. According to us, since the matter is pending before the Deputy Director of Panchayats, we can direct the Deputy Director of Panchayats to dispose of the pending matter, on its own merits and in accordance with law, as expeditiously as possible and, in any case, within a period of four months from the date of production of an authenticated copy of this order. The Deputy Director of Panchayats, no doubt, will have to comply with the principles of natural justice and fair play which will mean, *inter alia*, afford of an opportunity of hearing not only to the Petitioner, but also to Respondents No.3 and 4. Since we clarify this issue, we do not feel that it is necessary to issue any notice to Respondents No.3 and 4 in this matter.

5. Accordingly, the Deputy Director of Panchayats is directed to dispose of the pending proceedings before him as expeditiously as possible, and in any case, within a period of four months from the date of production of an authenticated copy of this order.

6. The Petitioner is granted liberty to produce an authenticated copy of this order before the Deputy Director of

Panchayats on 11th March, 2020 at 10.30 a.m. under a cover of an application.

7. This Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

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

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.