

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 144 OF 2019

PIE DADE DIAS.,

... Petitioner

Versus

FRANCIS DIAS AND 9 ORS.,

... Respondents

Mr. Matthew D'Costa, Advocate for the Petitioner.
Mr. Narayan Govekar, Advocate for Respondent No. 1.
Mr. Clayton Fonseca, Advocate for Respondent No. 2.
Mr. Vishwadh Sardesai, Additional Government Advocate for
Respondent Nos. 3 to 10.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 6th January, 2020

ORAL ORDER:

The main complaint of the petitioner in this Petition is that no action is being taken by the respondents in the matter of illegal construction put up by respondent no. 1 in the property bearing survey no. 140/5 of Village Taulim, Navelim, Salcete, Goa. The petitioner complains that the respondent no. 1 is illegally running a bakery business from the construction, which is illegally put up.

2. From the record, we find that there are complaints made in respect of the aforesaid structure and business is being carried out therein by some relatives of the petitioner. However, there is no response to these complaints as well.

3. In such circumstances, we grant leave to the petitioner to make a formal complaint to the Village Panchayat of Telaulim, the Department of Health (Food and Drug), Navelim and the Town and Country Planning Department, within a period of four weeks from today. If such complaint is made, then, the said Authorities to look into such complaint and to dispose off the same in accordance with law and on its own merits. We direct the Authorities to dispose off the petitioner's complaint one way or the other as expeditiously as possible and in any case, within a period of three months from the date of its receipt. Needless to add that the Authorities must comply with principles of natural justice and fair play, which would mean that in peculiar facts and circumstances of the case, the Authorities would afford an opportunity of hearing not only to respondent no. 1, but also to the petitioner.

4. We make it clear that we have not examined the merits or the demerits of the petitioner's complaint and therefore, the Authorities to examine the same on its own merits and in accordance with law.

5. The Petition is disposed off in the aforesaid terms. There shall be no order as to costs.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

EV