

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1095 OF 2019

Mr. Naveen alias Pandurang K. Prabhu
Son of Krishnanath Prabhu,
major of age,
Indian National,
Resident of H.No.524, Dagwale, Raia
Salcete Goa.

... Petitioner

Versus

1. The State of Goa,
Through its Chief Secretary,
having its office at Secretariat
Alto – Porvorim Goa.
2. The Town and Country Planning Department,
Panaji Goa.
3. The Collector South Goa
Mathany Saldana Complex,
Margao Goa.
4. The Director of Panchayat
Junta House
Panaji Goa.
5. Block Development Office,
Salcete Margao Goa.
6. The Secretary/Sarpanch of
Village Panchayat of Raia,
Raia, Salcete Goa.

7. Agostinho Coutinho,
Major in age,
Resident of H.No.523,
Dagwale, Raia,
Salcete Goa.

... Respondents

Mr. Ganesh R. Naik, Advocate for the Petitioner.

Mr. Manish Damodar Salkar, Government Advocate for Respondent Nos.1,2,3,4 & 5.

Mr. S. Shet, Advocate for Respondent No.7.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.
Date:- 11th February, 2020**

Oral Judgment (Per M. S. Sonak, J)

Heard Mr. G. Naik, learned counsel for the Petitioner, Mr. M. Salkar, learned Government Advocate for Respondent Nos.1 to 5 and Mr. S. Shet, learned counsel for Respondent No.7.

2. Rule. Rule is made returnable forthwith in view of the order made on 16th December, 2019.

3. The record indicates that the Respondent No.6, which is, the main Respondent in the matter is duly served. By our order dated 16th December, 2019, we had made it clear that the notice was to indicate that

subject to constraints of time endeavour shall be made to dispose of the petition finally at the stage of admission.

4. The grievance of the Petitioner is that the Petitioner's complaint dated 17th July, 2017 made to the Respondent No.6 with regard to the construction which is being put up by the Respondent No.7 is not at all being addressed. The learned counsel for the Petitioner states that the present Sarpanch is related to Respondent No.7 and therefore, the complaint is being ignored.

5. At this stage, we do not wish to go into the allegations and counter allegations however, once the complaint is filed the Panchayat, is duty bound to dispose of such complaint in accordance with law and on its own merits expeditiously. The Panchayat, cannot, simply ignore such complaints made under the Panchayat Raj Act. If the complaint is ignored the Petitioner has remedy before the Deputy Director which in the present case the Petitioner has attempted to invoke. However, the Deputy Director has not taken any cognizance of the Petitioner's grievance. This is not at all proper.

6. We therefore direct the Respondent No.6-Panchayat to take up for consideration the Petitioner's complaint which is to be found at Exhibit P-4 at page 24 of this petition and to dispose of the same as expeditiously

as possible and in any case within a period of 30 days from the date the authenticated copy of this order is filed before it. The Petitioner, alongwith the authenticated copy of this order to also once again file a copy of the complaint dated 17th July, 2017 which is to be found at Exhibit P-4 at page 24 of the petition.

7. The Respondent No.6 to comply with the principles of natural justice and fair play in the matters of disposing of such complaint.

8. Rule is accordingly made absolute in the aforesaid terms. There shall be no order as to costs.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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