

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMP PETITION NO.17 OF 2020

IN

WRIT PETITION NO.406 OF 2019

FERDINANDO FERNANDES

... Petitioner

Versus

PRAMOD FALDESSAI AND 10 ORS

... Respondents

Mr. B. Pacheco, Advocate for the Petitioner.

Mr. P. A. Kamat, Advocate for Respondent No.2.

**CORAM: M. S. SONAK &
SMT. M. S. JAWALKAR, JJ**

DATED: 30th August 2021

P.C.

1. Heard Mr. Pacheco, learned counsel for the Petitioner and Mr. P. A. Kamat, learned counsel for Respondent No.2 - the then Secretary of the Village Panchayat of Agonda.

2. The complain in this petition is non-compliance with this Court's order dated 13th August 2019 in Writ Petition No.406 of 2019.

3. The Respondent No.2 has filed an affidavit in this matter on 16th April 2021. The Respondent No.2 has stated that the directions issued by this Court were complied with and temporary structures were actually removed.

4. Mr. P. Kamat submits that it is possible that now some further structures are visible at the same site. He further submits that these further structures are fresh structures put up by some parties based on the permissions issued by the Goa Coastal Zone Management Authority (GCZMA).

5. Mr. Pacheco disputes the aforesaid position and attempts to point out that the orders of this Court were never complied with by the Panchayat or Secretary of the Panchayat, particularly in the context of Respondent Nos. 7, 8 and 10 in the original petition.

6. According to us, in this Contempt Petition, it will not be appropriate for us to go into such disputed questions of fact. There is a statement made on affidavit which is backed by some *prima facie* material like panchanama. Besides, if the Petitioner has any grievances against the structures that are now seen at the site, it is always open to the Petitioner to take out fresh proceedings in regard to the same. However, it will not be appropriate to go into all such issues in this Contempt Petition.

7. Therefore, we dispose of this Contempt Petition but we clarify that the disposal of this Contempt Petition will not preclude the Petitioner from taking out appropriate proceedings on account of construction/structures, if any, at the same site.

8. The Contempt Petition is disposed of in the aforesaid terms.

SMT. M. S. JAWALKAR, J

M. S. SONAK, J.

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