

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.162/2021

BLANCHE LOUIS DE
SOUZA AND ANR.

... Petitioners

Versus

STATE OF GOA, THR. CHEIF
SECRETARY AND 5 ORS.

... Respondents

Mr. Rohan Desai, Advocate for the Petitioners.

Ms. Ankita Kamat, Additional Government Advocate for Respondents
No.1, 2 and 3.

Mr. Dharmanand Vernekar, Advocate for Respondents No.5 and 6.

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

Date:- 17th March 2021

P. C.:

Heard Mr. Rohan Desai for the petitioners, Ms. Ankita Kamat, learned Additional Government Advocate for respondents no.1, 2 and-3 and Mr. Dharmanand Vernekar for respondents no.5 and 6.

2. For the order which we propose to make, no notice is necessary to respondent no.4, the Village Panchayat of Nuvem, Nuvem, Salcette, Goa.

3. Mr. Rohan Desai, the learned counsel for the petitioners points out that the petitioners have made several complaints to the planning

authorities and the village panchayat about certain illegal constructions put up by respondents no.5 and 6. He submits that the statutory authorities are not looking into such complaints and taking action. Hence, the petitioners are entitled to a Writ of Mandamus directing the authorities to take action.

4. Mr. Vernekar, the learned counsel for respondents no.5 and 6 points out that this petition is a counter blast to the proceedings taken out by respondents no.5 and 6 based on which certain illegal “constructions put up by the petitioners were ordered to be removed. In any case, he points out that the panchayat has already issued notice based on the complaints of the petitioners and respondents no.5 and 6 have even filed their response to the same. He submits that even the planning authorities have conducted inspection at the site and respondents no.5 and 6 have furnished their explanation to the planning authorities.

5. According to us, no specific directions are necessary to the panchayat since, the panchayat has already taken cognizance of the petitioners’ complaints and is proceeding with further steps. The panchayat, however, to dispose of the complaints on its own merits by complying with the principles of Natural Justice and Fair Play within some reasonable time.

6. Similarly, the planning authorities i.e. respondent no.3 herein to dispose of the petitioners' complaints, including the complaint dated 13.01.2020 at Exhibit B (page 36) of this petition on its own merits and in accordance with law as expeditiously as possible and in any case within a period of three months from today. No doubt, the respondent no.3 will have to comply with the principles of Natural Justice and Fair Play in the matter.

7. It is made clear that we have not examined the merits of the complaints and therefore, it will be for the concerned village panchayat and respondent no.3 to examine such merits.

8. With the aforesaid directions this petition is disposed of. There shall be no order as to costs.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.