

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 177 OF 2021

THE COMMUNIDADE OF
 COLVALE, THR. ITS
 ATTORNEY, AGNEL P. LOBO

.... Petitioner.

Versus

STATE OF GOA, THR. ITS
 CHIEF SECRETARY AND 4 ORS.

..... Respondents.

Mr. Kapil Kerkar, Advocate for the Petitioner.

Mr. P. Arolkar, Additional Government Advocate for the
 Respondents No. 1 to 4.

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

Date : 17th March, 2021.

P.C. :

Heard Mr. Kapil Kerkar for the Petitioner and Mr. P. Arolkar, learned Additional Govt. Advocate who appears for Respondents No.1 to 4.

2. For the order which we propose to make, notice to Respondent No.5 is not necessary.

3. The Petitioner complains about inaction on the part of Respondents No.1 to 4 in the context of the complaints made by the Petitioner about the alleged illegal activities undertaken allegedly by

Respondent No.5 in the Comunidade property bearing Survey No.288/0 at Colvale. The Petitioner has placed on record complaints made by him from time to time, including, in particular, the complaint dated 27/5/2020, addressed to the Administrator of Comunidades and the Collector, North, Panaji, Goa.

4. Mr. Kerkar points out that despite the complaints, the unauthorised activities continue and the Authorities are quite reluctant to initiate any action in the matter.

5. Mr. Arolkar, the learned Additional Govt. Advocate states that the complaints made by the Petitioner, including, in particular, the complaint dated 27/5/2020, at page 18 of the paper book of the Petition, will be looked into and disposed of on its own merits, and in accordance with law, as expeditiously as possible and, in any case, within a period of 8 weeks from today. We accept this statement and direct the Administrator of Comunidades, as well as the concerned Deputy Collector, to dispose of the Petitioners' complaint as expeditiously as possible and, in any case, within eight weeks from today. No doubt, these two Authorities will have to hear Respondent No.5 and comply with the principles of natural justice and fair play, if any adverse action is proposed.

6. In the peculiar facts of the present case, even the Petitioner may be granted an opportunity of hearing.

7. Since, there is a complaint that the alleged unauthorised activity is continuing, we feel that the Administrator of Comunidades should visit the site in question, in this week itself and ascertain whether there is any *prima facie* merit in the complaint. If there is *prima facie* merit in the complaint, we are quite sure that the Administrator of Comunidades will issue necessary directions to stop the unauthorised activities, pending disposal of the complaint.

8. We clarify that we have not gone into the merits of the complaint and, therefore, the merits will have to be examined by the Administrator of Comunidades and the concerned Deputy Collector.

9. The Petition is disposed of in the aforesaid terms.

10. The Petitioner to serve an authenticated copy of this order on Respondent No.5 for his information.

11. All concerned to act based on an authenticated copy of this order.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.