

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION No.179/2021

LERISE AMONKAR

... Petitioner

VersusSTATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. J. Karn and Mr. T. Sequeira, Advocates for the Petitioner.

Mr. S. P. Munj, Additional Government Advocate for the State.

Mr. Nikhil Pai, Advocate for Respondent No.2.

Mr. S. S. Kantak, Senior Advocate with Mr. A. Kamat, Advocate for Respondent No.3.

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

Date:- 7th April 2021

P. C.:

Heard Mr. S. D. Lotlikar, learned Senior Advocate who appears with Mr. J. Karn and Mr. T. Sequeira for the Petitioner, Mr. S. P. Munj, learned Additional Government Advocate for the State, Mr. Nikhil Pai for Respondent No.2 and Mr. S. S. Kantak, learned Senior Advocate who appears with Mr. A. Kamat for Respondent No.3.

2. Mr. Kantak points out that the respondent no.3 had not proceeded with the construction work in the teeth of the stop work

order dated 13.01.2021. He submits that on 11.02.2021, the Panchayat, had called upon respondent no.3 to report compliance about the demarcation. Mr. Kantak submitted that it is only after such compliance report was filed that the respondent no.3 proceeded with the construction work.

3. Mr. Lotlikar, the learned Senior Advocate for the petitioner disputes this position and points out that even after the interim order was granted by this Court, the construction work was going on and it is only with the assistance of the police that the construction work had to be stopped. This position is disputed by Mr. Kantak, the learned Senior Advocate for respondent no.3.

4. According to us, it is not necessary for us at this stage to go into the aforesaid disputed issues. This is because Mr. Pai, the learned counsel for the Panchayat now submits that the show cause notice dated 13.01.2021 will be disposed of by the Panchayat after granting opportunity of hearing to both the petitioner as well as respondent no.3. He submits that a site inspection is now scheduled on 12.04.2021 and the same will be carried out in the presence of both the parties. The show cause notice will be disposed of latest by 30.04.2021.

5. Pending the disposal of the show cause notice, Mr. Kantak agrees

that the respondent no.3 will maintain status quo at the site and not proceed with any construction activity. This statement is accepted as a statement made on behalf of respondent no.3.

6. The Panchayat to communicate its decision to the petitioner as well as respondent no.3 latest by 30.04.2021.

7. We clarify that we have not gone into the rival contentions of the parties because, according to us, it is for the Panchayat to go into these matters in the first instance. Therefore, all contentions of all parties are expressly left open.

8. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act based on the authenticated copy of this Order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.