

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 330 OF 2021

MADANPRASAD KAMAT.

...Petitioner.

Versus

DIRECTOR OF PANCHAYATS & OTHERSRespondents.

**Mr. Pranay A. Kamat and Mafida Shaik, Advocates for the
Petitioner.**

**Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar,
Addl. Govt. Advocate for the Respondents No.1, 2 and 4.**

**Mr. Shirin Naik with Ms. Shrushti Naik, Advocates for the
Respondents No. 3 & 7.**

Mr. Parag Rao, Advocate for the Respondents No.5 & 6.

**CORAM : REVATI MOHITE DERE &
M.S. JAWALKAR, JJ.**

DATED : 18th November 2021

P.C. :-

- 1.** Heard learned Counsel for the parties.
- 2.** By this Petition, the Petitioner essentially seeks a direction to the Respondent No.2-Deputy Director of Panchayats (South-Goa),

Margao to take action on the complaint filed by the Petitioner, with respect to an alleged illegal construction of a staircase on the footpath of building “Devki Apartment” in the property under Survey No.54/1 of Village Orgao by the Respondents No.5 and 6; a direction to the Respondent No.3-Village Panchayat Tivrem-Orgao, to implement the resolution dated 29/01/2021 passed by the Respondent No.3; and also seeks a direction to the Respondent No.1 to take action on the Petitioner's complaint dated 4/5/2021 filed under Sections 50 and 210-A of the Goa Panchayat Raj Act, as against the Respondent No.7 who is the Sarpanch and Panch Member of the Respondent No.2, by deciding the said complaint expeditiously.

3. Having regard to the prayers sought for by the Petitioner, we do not deem it necessary to go into the merits of the Petition. However, we direct the Respondent No.2 i.e. the Deputy Director of Panchayats (South Goa), Margao to decide the complaint made by the Petitioner i.e. Case No.DDPS/Illegal-Const/18/2021 as expeditiously as possible, and in any event, within 8 weeks from today. Since, the Respondent No.2-Deputy Director of Panchayats, South Goa, Margao has assumed the power of the Panchayat under Section 66(5), read with sub-Sections (3) and (4), we do not deem it necessary to give any direction to the Respondent No.3. Similarly, we direct the Respondent No.1 i.e. the

Director of Panchayats to decide the Petitioner's complaint dated 4/5/2021 as expeditiously as possible and in any event, within three months from today.

4. It is made clear that we have not considered the Petition on merits, and as such, all contentions of all parties, are kept open.

5. The Petition is accordingly disposed of in the aforesaid terms. There shall, however, be no order as to costs.

6. All parties to act on authenticated copy of this order.

M.S. JAWALKAR, J.

REVATI MOHITE DERE, J.

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