

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.388 OF 2021

HELEN PINTO E ANDRADE @ HELEN
LILY ANDRADE

...PETITIONER

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 5 ORS.

...RESPONDENTS

Mr. Rohit Bras De Sa with Ms. V. Shet, *Advocate for the Petitioner.*
Mr. Devidas J. Pangam, Advocate General with Ms. Ankita
Kamat, *Additional Government Advocate for the Respondent Nos.1 to*
4.

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

DATED: 27th November 2021

ORAL ORDER :

1. Heard learned Counsel for the petitioner.
2. By this petition, the petitioner has sought for following substantive relief :

(A) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the Village Panchayat of Calangute, i.e. Respondent No.3 herein to comply with the Order

dated 18.06.2019 made by this Hon'ble Court in Writ Petition No.534/2018.

3. Learned Counsel for the petitioner states that the aforesaid petition was filed on 20.09.2019, as despite the directions passed by this Court vide order dated 18.06.2019 in Writ Petition No.534/2018, directing the Village Panchayat of Calangute to decide the petitioner's application seeking renewal of establishment licence within a period of 30 days, from the date an authenticated copy of this order is produced by the petitioner before it, the same was not complied with by the Village Panchayat of Calangute.

4. Learned Counsel for the petitioner states that in the interregnum, i.e. during the pendency of the aforesaid petition, the Village Panchayat of Calangute decided the petitioner's application vide order dated 05.03.2021. He submits that being aggrieved by the said order dated 05.03.2021, the petitioner has filed an appeal before the Directorate of Panchayat on 05.04.2021. He submits that a direction be given to the Directorate of Panchayat to decide the petitioner's said appeal as expeditiously as possible and within a particular time frame, as already there has been a delay by the Village Panchayat of Calangute in considering the petitioner's application, despite a clear direction of this Court.

5. Having regard to the nature of relief sought for by the petitioner, we do not deem it necessary to issue notice to the respondents. It is pertinent to note that this Court vide order dated 18.06.2019 in Writ Petition No.534/2018, preferred by the

petitioner, had directed the respondent no.3 – Village Panchayat of Calangute to decide the petitioner's application seeking renewal of establishment licence within a period of 30 days from the date an authenticated copy of this order is placed by the petitioner before it. It was further stated in the said order that before deciding the application respondent - Panchayat shall hear the petitioner and the respondent no.5 and, as such, all contentions of the parties were kept open on merits. As the said direction was not complied with by the Village Panchayat of Calangute, the petitioner filed the aforesaid petition on 20.09.2019 seeking the aforesaid relief. It is not in dispute that in the interregnum, the Village Panchayat of Calangute, i.e. respondent no.3 herein, decided the said application vide order dated 05.03.2021. It appears that being aggrieved by the said decision/order passed by the Village Panchayat of Calangute, the petitioner has filed an appeal before the Directorate of Panchayat on 05.04.2021.

6. Considering the aforesaid, no prejudice would be caused to any of the parties if a direction is given to the Directorate of Panchayat to decide the appeal filed by the petitioner, expeditiously within a particular time frame.

7. Accordingly, we direct the Directorate of Panchayat to decide the petitioner's appeal as expeditiously as possible and in any event within six weeks from the date an authenticated copy of this order is produced by the petitioner before it. Needless to state that before deciding the said appeal all parties will be heard by the Directorate of Panchayat. All rights and contentions of the parties on merits are kept open.

8. Petition is disposed of in the aforesaid terms.
9. All parties to act on the authenticated copy of this order.

M. S. JAWALKAR, J.

NITI K

HALDANKAR

Digitally signed by NITI K
HALDANKAR
Date: 2021.11.29 14:31:15
+05'30'

REVATI MOHITE DERE, J.