

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.32 OF 2022

ROSALINA DE SOUZA E LOBO ... PETITIONER

Versus

**VILLAGE PANCHAYAT OF GUIRIM,
THR. ITS SECRETARY AND 3 ORS.** ...RESPONDENTS

Mr. P. Lotlikar, Advocate for the Petitioner.

Ms. Barbara Andrade, Advocate for Respondent Nos.2 to 4.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 15th March 2022

ORAL ORDER :

1. Heard Mr. P. Lotlikar, learned Counsel for the petitioner and Ms. Barbara Andrade, learned Counsel for respondent nos.2 to 4.

2. Despite service there is no appearance on behalf of the Panchayat. On this occasion, we refrain from taking any action against the Panchayat for not appearing in the matter despite service of notice. However, if such situation persists then we will be constrained to take some action against a public authority like Panchayat for not having a courtesy of appearing before the Court despite receipt of notice.

3. The limited relief that the petitioner seeks in this petition is that the Panchayat should act and dispose of his complaint dated 10.12.2021 against certain constructions put up by respondent nos.2 to 4, which according to the petitioner are illegal and unauthorised.

4. Ms. Andrade, learned Counsel for the respondent nos.2 to 4, submits that there are no illegal constructions carried out by the said respondents. She, however, submits that Panchayat has scheduled a site inspection on 17.03.2022.

5. Since the Panchayat has scheduled a site inspection, it appears that the Panchayat has taken cognizance of the petitioner's complaint dated 10.12.2021.

6. We now direct the Panchayat to consider and dispose of the petitioner's complaint as expeditiously as possible and in any case within two months from the date the petitioner serves an authenticated copy of this order upon it. The petitioner should obtain an endorsement confirming the receipt of this order from the Panchayat.

7. The Panchayat should proceed with the site inspection and if any *prima facie* illegalities are found then follow up the action

by issuing a show cause notice. Ms. Andrade quite correctly points out that the Panchayat will have to comply with the principles of natural justice and fair play.

8. In the peculiar facts of the present case, we direct that the Panchayat, which is no doubt bound to comply with principles of natural justice and fair play, we grant opportunity of hearing to the petitioner as well. If any action is proposed against respondent nos.2 to 4 opportunity of hearing/filing response will have to be granted to respondent nos.2 to 4 as well.

9. The petition is disposed of by issuing the aforesaid directions to the Panchayat.

10. We, however, make it clear that we have not gone into the issue of whether or not the constructions are illegal and unauthorised, because we feel that this is a matter that must be looked into by the Panchayat itself.

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

R. N. LADDHA, J.

M. S. SONAK, J.

NITI K
HALDANKAR
Digitally signed by NITI K
HALDANKAR
Date: 2022.03.15
17:03:17 +05'30'