

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 312 OF 2021

SHANTARAM G. PRIOLKAR. Petitioner.
Versus
EDWARD PERPETUA JOHN
CALDEIRA (DECEASED) AND 2 ORS Respondents.

Mr. Prasheen Lotlikar, Advocate for the Petitioner.

Mr. Ryan Da Piedade Menezes, Advocate for Respondent No.3 .

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

DATE : 16th February 2022

ORAL ORDER : (M.S. Sonak, J.)

1. Heard Mr. Prasheen Lotlikar for the Petitioner and Mr. Ryan Menezes for Respondent No.3-Panchayat.

2. The record indicates that Respondents No.1 and 2 have been served through their Power of Attorney. However, they have not attended these proceedings. The order which we propose to make will, however, grant an opportunity to these Respondents to put forth their version before the appropriate appellate authority/revisional authority.

3. The challenge in this Petition is to the resolution dated 15/6/2020, passed by the Village Panchayat of Gotlim-Navelim (Piedade). Mr. Menezes points out that as against such a resolution, the Petitioner has an alternate and efficacious remedy available under the Goa Panchayat Raj Act, 1994 (said Act). The Petitioner, in paragraph 19 of this Petition, has also admitted that he has an alternate and efficacious remedy under the said Act.

4. However, Mr. Lotlikar submitted that since this was a case of violation of natural justice, the Petition was instituted before this Court and this Court was even pleased to protect the Petitioner by granting an ad-interim relief.

5. According to us, though there are allegations of violation of natural justice, this is not a case where the impugned resolution was made without any notice whatsoever to the Petitioner. A show-cause notice was issued, but it is the case of the Petitioner that the final order is more than what was proposed in the show-cause notice. Mr. Lotlikar also contends that the copy of the complaint based on which the resolution was made, was never furnished to the Petitioner.

6. In our judgment, all the aforesaid issues can be conveniently gone into by the remedy available to the Petitioner

under the said Act itself. Therefore, there is no necessity to entertain this Petition, but rather the interest of justice will be served if the Petitioner is relegated to the alternate remedy available under the said Act. This will also afford an adequate opportunity for Respondents No.1 and 2 to put forth their version before such authority and defend the impugned resolution.

7. Mr. Lotlikar states that the alternate remedy will be availed by instituting appropriate proceedings before the appropriate authority within two weeks from today. He states that even copies will be supplied to the Panchayat and Respondents No.1 and 2, through their Power of Attorney. Mr. Lotlikar requests that the interim order granted by this Court on 21/10/2021 may be extended by 4 weeks from today.

8. The aforesaid request is quite reasonable. Accordingly, although this Petition is being disposed of by granting the Petitioner liberty to avail alternate remedy, the interim order granted by this Court on 21/10/2021, is extended by a period of 4 weeks from today. If the Petitioner applies for interim relief, the authorities will have to consider the same in accord with the law, without being influenced by the order made by us on

21/10/2021 or by this order by which we have extended the interim relief by a period of 4 weeks from today.

9. All contentions of all parties are expressly left open for consideration by the appropriate authority.

10. The Petition is disposed of in the aforesaid terms. There shall be no order for costs.

R.N. LADDHA, J.

M. S. SONAK, J.