

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.70/2021

GORAKNATH TORASKAR

... PETITIONER

Versus

**STATE OF GOA, THR. CHIEF
SECRETARY AND 6 ORS.**

...RESPONDENTS

**Mr. Preetam Talaulikar holding for Mr. Sahish Mahambrey,
Advocate for the Petitioner.**

**Mr. Prashil Arolkar, Additional Government Advocate for
Respondent Nos.1 to 3, 5 & 6.**

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

DATED: 9th March 2022

ORAL ORDER :

1. Mr. Talaulikar, learned Counsel, who holds for Mr. Sahish Mahambrey, learned Counsel for the petitioner, based on written instructions from the petitioner, seeks leave to withdraw the petition.

2. There can be no difficulty to exceeding to this request and disposing of this petition as withdrawn. However, before we do so, we have to record that in this case, at least *prima facie*, it

appears that both the petitioner as well as respondent no.7 had carried out some illegal constructions for which the Panchayat had issued stop work orders to both of them. The petitioner had instituted this petition seeking directions to the Panchayat to initiate action against respondent no.7. At this stage, we are unable to fathom the reasons why the petitioner seeks to withdraw this petition.

3. We, however, grant the petitioner leave to withdraw the petition, but taking cognizance of the *prima facie* material based on record, we direct the Panchayat to proceed with its action against the *prima facie* illegal constructions carried out by both the petitioner as well as respondent no.7. This means that further action will have to be taken in terms of the notices under Section 64(1)(J) of the Goa Panchayat Raj Act, 1994, issued by the Panchayat itself. These notices dated 23.01.2021 to be found at pages 11 to 14 of the paper book of this petition.

4. This petition is disposed of in the aforesaid terms.

5. The Registry to forward an authenticated copy of this order to the Secretary, Village Panchayat of Siolim-Marna, Bardez Goa. The Secretary to file compliance report in the Registry of this

Court within three months from today, failing which the matter will have to be posted on the Board for directions.

R. N. LADDHA, J.

M. S. SONAK, J.

NITI K
HALDANKAR

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HALDANKAR
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