

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.122 OF 2021

Mr. Sachin Mahadeo Chodankar
son of Shri. Mahadeo Chodankar,
aged 38 years, married,
Service, Indian National,
Resident of H.No.352/3,
Guddem, Siolim, Bardez-Goa.

...PETITIONER

Versus

1. STATE OF GOA, Through its
Chief Secretary, Assembly Complex,
Alto Porvorim, Goa

2. VILLAGE PANCHAYAT OF SIOLIM
through its Secretary/Sarpanch,
Village Panchayat of Siolim,
Siolim, Bardez - Goa.

3. DIRECTORATE OF PANCHAYAT
through its Director, 3rd Lift, 3rd Floor,
Junta House, Panaji-Goa - 403001.

4. DEPUTY DIRECTOR OF PANCHAYAT
through its Deputy Director,
3rd Lift, 3rd Floor, Junta House,
Panaji-Goa-403001.

5. BLOCK DEVELOPMENT OFFICER
through its Officer, Junta House, Panaji-Goa-
403001.

6. TOWN & COUNTRY PLANNING
DEPARTMENT
through Chief Town Planner,

EDC Patto Plaza, 5th Floor,
Kamat Towers, Behind Bus Stand,
Panaji, Goa 403001.

7. MR. RUPESH NAIK Son of
Mr. Ramakant B. Naik,
Major of age, Indian National,

8. Mr. Deepak Naik,
Son of Mr. Ramankant B. Naik,
Major of age, Indian National,
Both R/o. H.No.551/2, Guddem,
Siolim, Bardez-Goa.

...RESPONDENTS

Mr. Somnath B. Karpe and Ms. S. Vaigankar, Advocates for the
petitioner.

Ms. Maria Correia, Additional Government Advocate for
respondent Nos.1, 3, 4, 5 and 6.

Mr. Chirag Angle, Advocate for respondent Nos. 7 and 8.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. SONAK, J.**

DATED: 1st April 2022

ORAL JUDGMENT: (Per M. S. Sonak, J.)

1. Heard the learned counsel for the parties.
2. Rule. The rule is made returnable forthwith at the request
and with the consent of the learned counsel for the parties.
3. The petitioner's main grievance is that the respondent Nos.
2 and 4 i.e. Village Panchayat of Siolim and the Deputy Director
of Panchayats were not taking action on the petitioner's

complaints about the alleged illegal constructions carried out by the respondent Nos. 7 and 8.

4. On 06.04.2021, the learned Advocate General submitted that the Deputy Director of Panchayats has already taken cognizance of the petitioner's complaints and issued notices to the parties. On that date, we had directed the Deputy Director to continue with the proceedings and to dispose of the same as expeditiously as possible.

5. By order made on 06.04.2021, we had also stayed further constructions made by the respondent Nos. 7 and 8 and to occupy such premises pending further orders in this petition. This was because we were *prima facie* satisfied that the respondent Nos. 7 and 8 were proceeding with the constructions despite restraint order by the Deputy Director of Panchayats. This order is in force till date.

6. Ms. Maria Correia however, submitted that the Deputy Director has till date not been able to dispose of the proceedings primarily because of non cooperation by the parties. On instructions, she states that the Deputy Director will now dispose of the proceedings within one month, if necessary by preponing the date already granted.

7. The learned counsel for the petitioner and the respondent Nos. 7 and 8 undertake to appear before the Deputy Director on 06.04.2022 at 3.00 p.m. to which date the proceedings before the Deputy Director shall stand preponed. The petitioner shall serve a copy of this order on the Village Panchayat and give private notice about preponed date before the Deputy Director of Panchayats. The Panchayat shall also attend the proceedings before the Deputy Director on the said date and time. If despite notice, the Panchayat fails to appear or cooperate, the Deputy Director will be justified in proceeding *ex parte*.

8. The Deputy Director must, consistent with the statement made on his behalf, dispose of the proceedings by 06.05.2022. The parties to cooperate with the Deputy Director in the matter of such disposal.

9. The restraint imposed upon further construction or occupation will continue until the disposal of the proceedings by the Deputy Director.

10. We have not gone into the rival contentions regarding the legality or otherwise of the construction in question. Therefore, the Deputy Director should go into this issue and dispose of the

proceedings before him on their own merits and in accord with the law.

11. Ms. Maria Correia, learned Additional Government Advocate states that she will communicate this order to the Deputy Director at the earliest.

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

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

M. S. SONAK, J.

CHIEF JUSTICE

TARI AMRUT NAGESH | Digitally signed by TARI AMRUT NAGESH
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