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IN THE HIGH COURT OF BOMBAY AT GOA

**P.I.L. WRIT PETITION NO.5 OF 2015
WITH
CONTEMPT PETITION NO.15 OF 2015
IN
P.I.L. WRIT PETITION NO.5 OF 2015**

PETER LOBO

... Petitioner

Versus

STATE OF GOA, THROUGH ITS
CHIEF SECRETARY AND ORS.

... Respondents

Mr Pravin Faldessai, Additional Government Advocate *for*
Respondent Nos.1, 3, 5 and 8.

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 20th December, 2022

P.C.:

1. None for the Petitioner. Mr Faldessai appears for Respondent Nos.1, 3, 5 and 8.
2. The grievance of the Petitioner is against the construction put up by Respondent Nos.6 and 7 which Petitioner alleges is an illegal construction.
3. The Petitioner has also filed Contempt Petition No.15/2015 alleging that despite the order requiring Respondent Nos.6 and 7 to stay further constructions, these Respondents violated the status quo order.

4. In the contempt petition, on 19 September 2016, this Court made the following order:-

“Heard the learned counsel appearing for the respective parties.

2. On perusal of the order dated 25th March, 2015 and taking note of the contention of the learned counsel appearing for the respondent no.6 that at the relevant time there was no licence to the subject construction, the respondent no.6 was directed to maintain status quo in the subject construction. Alongwith the petition, photographs are also attached depicting the stage of the subject construction. It is contended that inspite of such order of status quo, the respondent no.6 has violated such order and proceeded to complete the construction. In support thereof, the petitioner has also produced photographs which are claimed to be the construction which has now been put up by the respondent no.6.

3. Looking to the photographs and averments which are otherwise disputed by the respondent no.6 case has been made out to issue Form I notice to the respondent no.6. Hence, Contempt Petition stands admitted. Issue notice in Form I to the respondent no.6, returnable on 10/10/2016.”

5. Today, neither the Petitioner nor Respondent Nos.6 and 7 are present or represented. Considering the above order made by us, we take it that Respondent Nos.6 and 7 have not undertaken any further constructions at the site.

6. On the aspect of legality or illegality of the constructions already carried out, we direct the Village Panchayat of Parra to look into the matter by treating this petition itself as a complaint. The Village Panchayat of Parra should take a decision on the aspect of legality or otherwise of the construction put up by Respondent Nos.6 and 7 within three months from the date of receipt of the authenticated copy of this

order. Before taking such a decision, the Panchayat should afford an opportunity of hearing to the Petitioner and Respondent Nos.6 and 7. Such a decision should be communicated to the parties within three months.

7. Until the Panchayat decides the issue of legality or otherwise, Respondent Nos.6 and 7 should not carry out any further constructions at the site or, if no occupancy is issued, occupy the construction already carried out. The Panchayat should ensure compliance with this condition.

8. All contentions on the aspect of legality or otherwise of the construction carried out by Respondent Nos.6 and 7 are left open for determination by the Panchayat in the first instance.

9. With the above direction, the Public Interest Litigation and the Contempt Petition are disposed of.

10. The Registry to send a copy of this order to the Petitioner, Respondent Nos.6 and 7 and the Village Panchayat of Parra (Respondent No.2). The Panchayat should comply with the direction issued in this order within three months from the receipt of such order. The Panchayat is also directed to file a compliance report in this Court on or before 30 April 2023.

11. The petitions are disposed of in the above terms.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.