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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.156 OF 2022

MEDHA MADAN CHODANKAR

... Petitioner

Versus

KALINDI ASHOK CHODANKAR AND ANR.

... Respondents

Mr. Prasheen Lotlikar, Advocate *for the Petitioner.*

Mr. Arjun Naik with Ms. M. Desai, Advocates *for the Respondent No.1.*

Ms. Pravin Faldessai, Advocate *for Respondent No.2.*

**CORAM: PRASANNA B. VARALE &
BHARAT P. DESHPANDE, JJ.**

DATED: 15th September, 2022

P.C.:

1. For the limited grievance raised in the petition, the Petitioner who is resident of an area namely Walkeshwar Wada, Betim, Bardez, Goa, claims to be co-owner of certain property bearing Survey No.82/12. It is submitted in the petition that in the said property, there exists an old residential house. These certain statements are made to show the area of the house property, etc.

2. Although it may not be necessary for us to go into the details of the backdrop of the grievances raised in the petition, we may only state that the grievances of the Petitioner is in respect of an overlooking portion of two coconut trees. It is submitted that these two coconut trees are at a

distance of almost a meter away from the house of the Petitioner. It is further submitted that in view of the typical condition of these coconut trees, there is a constant apprehension to the Petitioner that due to constant winds, there may be fall of coconuts and palm leaves on the roof tiles of the portion of the house occupied by the Petitioner and it may cause an extensive damage to the roof tiles. The Petitioner is required to engage the services of labourers for keeping the roof in proper condition.

3. The Petitioner faced with these difficulties, approached the Respondent No.2 Village Panchayat of Penha-de-Franca by filing an application on 21.05.2020. A copy of the application is placed on record at Exh. 'A' at page 19. It is submitted in the application that the Petitioner also requested the co-owner who is Respondent No.1 Smt. Kalindi Chodankar to assist the Petitioner to resolve the issue, but there was no cooperation from the co-owner. As such, the Petitioner had approached the Respondent No.2 Village Panchayat.

4. The learned Counsel for the Petitioner submits that certain photographs are placed on record to show the typical condition of the trees and these photographs are at Exh. 21, 22 and 22A colly. The learned Counsel for the Petitioner submits that by way of abundant caution, the Petitioner had also placed on record certain other factual aspects, namely the notice issued. Respondent No.1 raised an objection to the notice and filed an appeal before the Director of Panchayats and the appeal is pending before the authority and there is no interim order passed in the appeal.

5. Thus, the submission of the learned Counsel is that the only grievance of the Petitioner is non-decision by Respondent No.2 Panchayat on his application and that the pendency of the application for a long period of nearly two years is causing prejudice to the Petitioner.

6. This being the only grievance, we deem it appropriate to dispose the petition with directions to Respondent No.2 to decide the application filed by the Petitioner on 21.05.2020 as expeditiously as possible and not later than four weeks from the receipt of the order of this Court.

7. We further make it very clear that this Court has not made any observations on the merits of the application. As such, the Respondent No.2 is at liberty to decide the application on its own merits. With these observations and directions, the petition is disposed.

BHARAT P. DESHPANDE, J.

PRASANNA B. VARALE, J.

JOSE
FRANCISCO
DSOUZA

Digitally signed by Jose Francisco Dsouza
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