

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.223 OF 2021

SACHIN KALOKHE

... Petitioner

Versus

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

...Respondents

Mr. A. D. Bhole, Advocate for the Petitioner.

Mr. S. P. Munj, Additional Government Advocate for
Respondent Nos. 1 to 5.

Mr. P. Faldessai and Ms. P. Tari, Advocates for Respondent
No.6.

Mr. I. Agha and Mr. K. Morajkar, Advocates for Respondent
No.7.

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

DATED: 12th SEPTEMBER 2022

P.C.

1. Heard the learned counsel for the Petitioner. The principal prayer in the petition was prayer (a) whereby the directions are sought to direct Respondent Nos. 1 to 6 to demolish an illegal construction carried out by Respondent No.7 in the property bearing Survey No.12/18 of Village Penha de Franca, Bardez Goa.

2. When the petition came up before this Court, the notice was issued by order dated 06.04.2021. It seems that it was brought to the notice of this Court that the proceedings in the nature of appeal before the Additional Director of Panchayats are pending decision. Accordingly, by order dated 18.07.2022 the Division Bench of this Court was pleased to direct the Additional Director of Panchayats to dispose of the proceedings bearing No. ADP-I/Penha-de-Franca/P.A.No.45/2021/1107 by 08.09.2022. The parties were directed to cooperate with the Additional Director of Panchayats for the disposal of these proceedings. Today, it is submitted before this Court that the said proceedings are decided and the appeal is dismissed.

3. In view of this fact, as of today, there is no rider for the Village Panchayat to take appropriate action. The learned counsel appearing for Respondent No.6 -Village Panchayat *prima facie* submits that Respondent No.6 would take appropriate steps pursuant to the earlier orders passed by the authorities and the latest order whereby the appeal is dismissed.

4. Considering all these facts, now we see no reason to keep the petition pending in this Court. The statement made before this Court on behalf of Respondent No.6 is accepted as an undertaking to this Court. In case the Respondent No.7 is

desirous of challenging the order passed by the Additional Director of Panchayats and if such remedy is available to Respondent No.7, he is at liberty to avail such remedy.

Corrections carried out
as per order dated
17.01.2023 passed in
MCA No.314/2022

5. With these observations, the petition is ~~dismissed~~ **disposed of.**

BHARAT P. DESHPANDE, J.

PRASANNA B. VARALE, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
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