

*Esha*

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 233 OF 2022**

OSWALD FERNANDES ... PETITIONER  
VS  
SEVANA ZEMIRA JACQUES AND ANR. ... RESPONDENTS

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Mr. Nigel Costa Frias with Mr. B. Pacheco, Advocates for the  
Petitioner.

Mr. Jatin Ramaiya, Advocate for Respondent No. 1.

Mr. S. Gayak, Advocate for Respondent No. 2.

**CORAM: SANDEEP K. SHINDE, J.**

**DATED: 4 AUGUST 2022**

**P.C.**

**1.** This Court in the case of **Alwyn D'Cunha Vs. Village Panchayat & Others** in Writ Petition No. 371/2016 dated 06.09.2006, has held that, merely because the petitioner had filed a complaint regarding the illegal construction and on basis of such complaint, the Panchayat had initiated proceedings against the respondent no. 2, that does not entitle the petitioner to seek intervention in the proceedings, initiated by the Panchayat, either at the original stage or at the appellate stage. It is thus held that to justify the intervention, the petitioner has to show that his rights will be affected in some manner on account of the decision that may be passed in the proceedings and if the petitioner is able to

disclose the same, nothing would prevent the Appellate Authority to allow the petitioner to be joined as party to the appellate proceedings.

**2.** The ratio in the cited judgment, squarely applies to the facts of the case, in a sense, although, the proceedings instituted against the respondent no. 1, were consequent to complaint by the petitioner, he could not establish or demonstrate that his rights will be affected, in some manner on account of the decision that may be passed in the proceedings.

**3.** For all these reasons, the order dated 23.03.2022, passed in Civil Revision Application No. 30/2020 calls for no interference. The Petition is dismissed.

**SANDEEP K. SHINDE, J.**

VAIGANKAR  
ESHA SAINATH

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