

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.270 OF 2022

Suryakant Dattu Karbotkar

..Petitioner

Versus

State of Goa, thr. Chief Secretary And 6 Ors.

..Respondents

Ms. Mehendi Anay Naik Desai, Advocate for the
Petitioner.

Mr. Geetesh R. Shetye, Additional Government Advocate
for the Respondents no.1 to 4 and 6.

Mr. Deepak Gaonkar, Advocate for Respondent no.5.

Mr. Shivan Desai, Advocate for Respondent no.7.

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

DATED: 1st August 2022

P. C.

1. By instituting this writ petition, the petitioner claims a mandamus to the respondents 1 to 4 and 6 to initiate action against illegal constructions raised by the respondent no.7 pursuant to the petitioner's complaints dated 13.05.2022 and 24.05.2022.

2. The respondent no.5, being the Secretary of the Village Panchayat of Mayem, Bicholim, Goa, has filed an affidavit-in-reply. In paragraph 8, it is stated as follows:

'8. I say that on receipt of said Complaint dated 13/05/2022 from Shri. Sahadev Dattu Karbotkar, Respondent No.5 on 16/05/2022 issued Stop Order Notice bearing Ref. No.VP/MV/NOTICE/ILL.CONST/2022-23/354 and Respondent No.7 came to be directed to stop illegal construction of house in Survey No.175/1 at Chinch Bhatwadai-Mayem and Respondent No.7 was called upon to submit the property documents within 7 days and further it was brought to the notice of Respondent No.7 than in case if he failed to stop construction activities than Respondent No.5 will take necessary action as per The Goa Panchayat Raj Act, 1994.'

3. On behalf of the respondent no.5, Mr. Deepak Gaonkar, learned advocate submits that due process would be followed in initiating and concluding action against the respondent no.7 and that 3 months' time may be granted for such purpose.

4. The submission of Mr. Gaonkar is accepted. The Village Panchayat is granted 3 months' time to issue show cause notice against the offending construction alleged to have been raised by the respondent no.7 and to take proceedings following such

notice to its logical conclusion in accordance with law.

5. We make it clear that till such time the proceedings, as directed above, are concluded, the respondent no.7 may occupy the same for residential purpose only but not raise any further construction.

6. We record the statement of Mr. Shivan Desai, learned advocate for the respondent no.7 that the offending construction is not being used for commercial purpose. If indeed such statement is observed to have been breached in future, the Village Panchayat shall be at liberty to take steps in accordance with law.

7. We also observe that if indeed any law permits the respondent no.7 to apply for regularisation of the offending construction, he shall be free to so apply. The proceedings to be initiated in terms of this order as well as the application, if filed by the respondent no.7, may be disposed of simultaneously.

8. The writ petition stands disposed of with the aforesaid directions. No costs.

9. All contentions are left open.

M. S. SONAK, J.

CHIEF JUSTICE

MARIA SUZANA
REBELLO

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