

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.444 OF 2022

RATISH NAIK AND ANR.

... PETITIONERS

Versus

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

... RESPONDENTS

**Mr. J.J. Mulgaonkar with Mr. R. Banaulikar, Advocate for the
Petitioners.**

**Mr. P. Arolkar, Additional Government Advocate for
Respondent Nos.1,3,4, 5 & 6.**

Mr. A.D. Bhobe, Advocate for Respondent No.2.

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

DATE : 9th NOVEMBER 2022

ORAL ORDER : (*Per M.S. SONAK, J.*)

1. Mr. Mulgaonkar appears for the petitioner, Mr. Arolkar appears for respondent nos.1,3,4,5 & 6 and Mr. A.D. Bhobe appears for respondent no.2 – Panchayat.

2. Service is yet to be completed on respondent no.7. However, for the order which we propose to make, the presence of respondent no.7 is not strictly speaking necessary.

3. Mr. Bhobe, on instructions, states that the Panchayat Officials visited the site on 04.11.2022. However, on that date, they found no construction going on. Mr. Bhobe states that panchanama has already been drawn. Therefore, the Panchayat will now dispose of petitioners' complaint dated 14.03.2022 (Annexure A at page 38 of the paperbook) in accord with law after giving an opportunity of hearing to both the petitioner as well as respondent no.7. He states, on instructions, that such complaint will be disposed of on its own merits and in accord with law within six weeks from today. Notice will be issued to respondent no.7 within a week from today.

4. Accordingly, we record the above statement and direct the Panchayat to act accordingly.

5. We clarify that we have not examined the rival contentions on merits because we think such a complaint should be first looked into by the statutory authorities.

6. With the aforesaid directions, we dispose of this petition., There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K
HALDANKAR

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Date: 2022.11.10
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