

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.385 OF 2021

RAMA GANESH MATONDKAR ... Petitioner

Versus

STATE OF GOA,
THR. CHIEF SECRETARY AND 7 ORS. ... Respondents

Ms. Vinkita V. Mapari, Advocate for the petitioner.

Mr. D. Pangam, Advocate General with Mr. Shubham Priolkar,
Additional Government Advocate for respondent Nos. 1, 2, 3 and 5.

Mr. H. D. Naik, Advocate for respondent No.4.

Mr. Ravi Gawas, Advocate for respondent No.6.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ**

DATE : 2nd March 2022

P.C.:

1. Ms. Mapari, learned counsel for the petitioner points out that service has been effected upon respondent Nos. 7 and 8 and even affidavit of service has already been filed. However, respondent Nos. 7 and 8 have not appeared in this matter. For the purpose of limited relief that we propose to grant their presence may not be necessary.

2. The grievance of the petitioner is that respondent Nos. 7 and 8 have done land filling in low lying paddy field. The petitioner has placed on record check list/inspection report prepared by the Flying Squad at pages 70 and 71 of the paper book of this petition.

3. Mr. R. Gawas, learned counsel appearing for the panchayat states that the panchayat has already taken cognizance of the petitioner's complaint and also issued show cause notice dated 18.02.2022 to respondent Nos. 7 and 8. Accordingly, we direct the panchayat to dispose of the said show cause notice in accord with law and on its own merits no doubt, by complying with the principles of natural justice and fair play. The show cause notice should be disposed of as expeditiously as possible and in any case within a period of four weeks from today.

4. Further, we direct the respondent No.4 and the concerned Authorities under the Town and Country Planning Act, 1971 to take action in terms of the law based on the *prima facie* material in the form of check list/inspection report at pages 70 and 71 of this petition. Needless to add that these Authorities will have to comply with the principles of natural justice and fair play.

5. Since, we have already directed the Authorities to comply with the principles of natural justice and fair play which would include opportunity of hearing respondent Nos.7 and 8, we think that there is no necessity to await appearance of these respondents for disposal of this petition.

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

R. N. LADDHA,J

M. S. SONAK, J