

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 380 OF 2021

NAVIN @ PANDURANG PRABHU ... PETITIONER
VS
SECRETARY, VILLAGE PANCHAYAT RAIA ... RESPONDENT

Mr. Dharamdas L. Pusekar, Advocate for the Petitioner.

Mr. Byron Rodrigues, Advocate for the Respondent.

CORAM: G.S. KULKARNI, J.

DATED: 8 SEPTEMBER 2022

ORAL ORDER.

1. Heard learned Counsel for the petitioner and the learned Counsel for the respondent.

2. The challenge in this Petition is to the final notice of demolition dated 11.10.2021, issued by the Secretary, office of Village Panchayat, Raia, Salcete, Goa.

3. The learned Counsel for the respondent has stated that in pursuance of the complaint made by one Mr. Augustin Coutinho, a show cause notice dated 12.04.2021 was issued to the petitioner. He states that however, before the petitioner could respond to the show cause notice, a final notice of demolition has been issued. From what has been pointed out at the bar, it also appears that a

copy of the complaint as made by Mr. Augustin Coutinho was not furnished to the petitioner along with the show cause notice. It is on such premise the demolition order has been passed.

4. In the above circumstances, the learned counsel for the respondent has fairly stated that the respondent would withdraw the impugned 'final notice of demolition' dated 11.10.2021 and issue a fresh show cause notice to the petitioner alongwith all documents in support of the show cause notice, and after following the due procedure known to law, appropriate decision on the show cause notice shall be taken.

5. Accordingly, the impugned order stands set aside with liberty to the respondent to issue a fresh show cause notice and to take a decision on the same, in accordance with law.

6. All contentions of all parties are expressly kept open.

7. The Petition is disposed of in the aforesaid terms. No costs.

G.S. KULKARNI, J.

VAIGANKAR
ESHA SAINATH

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