

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.235 OF 2021
IN
WRIT PETITION NO. 152 OF 2021**

THE PRESIDENT, SHRI
SHANTADURGA DEVASTHAN, ...Applicant.
MARCELA
VS
NETRA SANDEEP MAHALE ...Respondent.

Mr. S. Parab, Advocate for the applicant.

Mr. V. Amonkar, Advocate for the respondent no.1, under legal aid scheme.

Mr. S. Dharglkar, Advocate for the respondent no.2.

**CORAM: C. V. BHADANG, J.
DATE: 20 April, 2022.**

P.C.:

1. This is an application in a disposed of Writ Petition No.152 of 2021. The said Petition was dismissed on 7.7.2022. However, the demolition order was directed not to be executed upto 1.4.2022, subject to the original petitioner filing undertaking as mentioned in paragraph 13 of the said judgment. In paragraph 14, liberty was

granted to the original respondent to apply to this Court in case undertaking was not in the aforesaid terms or if there was any attempt to wriggle out and to avoid the consequences of the impugned order. The Original petitioner did not file undertaking within four weeks as the matter was carried to the Supreme Court. The Supreme Court confirmed the order passed by this Court. Now the original complainant has filed this application for a direction to the village panchayat to carry out demolition.

2. In my considered view, it is for the village panchayat to act as per demolition order dated 7.7.2021, as the same has attained finality. Liberty granted to the respondent to apply was only when undertaking was filed but was not in accordance with the requirements as mentioned in paragraph 13.

3. The learned Counsel for the village panchayat on instructions, states that village panchayat shall take appropriate action in accordance with the order of demolition. The statement so made is recorded. The learned Counsel for the petitioner has pointed out that an application is pending before the Devasthan for no objection to apply for regularisation..

4. Be that as it may, in view of the specific statement made on behalf of the village panchayat, the application stands disposed of.

C. V. BHADANG, J.

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