

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.453 OF 2021

**SELWYN QUEROBINO SA
REBELO**

... PETITIONER

Versus

**THE STATE OF GOA,
THR. CHIEF SECRETARY,
GOVT. OF GOA AND 3
ORS.**

... RESPONDENTS

**Mr. S.P. Munj, Additional Government Advocate for
Respondent Nos.1 & 2.**

Ms. Barbara Andrade, Advocate for Respondent No.3.

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

DATE : 21st SEPTEMBER 2022

ORAL ORDER : (Per M.S. Sonak, J.)

1. None for the petitioner.

2. Mr. S.P. Munj, learned Additional Government Advocate appears for respondent nos.1 & 2 and Ms. Barbara Andrade appears for respondent no.3. By our order dated 30.03.2022, we had made it clear that this petition will be finally disposed of at the stage of admission.

3. The petitioner filed a complaint about illegal construction in property bearing survey no.32/9 in the Village of Pale, Goa, to the Panchayat on 16.03.2021. Based on this complaint, the Sarpanch issued a stop work notice dated 27.03.2021 requiring respondent no.4 to stop work. After that on 30.06.2021, a site inspection notice was issued. The site inspection was carried out on 05.07.2021 in which, *prima facie*, some illegalities were noticed. After all this, the Panchayat has not bothered to take any action thereby forcing the petitioner to institute the present petition.

4. The petitioner complains that even after the stop work order the respondent no.4 did not actually stop the work and despite complaints, the Panchayat refused to take any action.

5. At least, *prima facie*, we think that there is a dereliction of duties on the part of the Panchayat. In such a situation it is the duty of the Deputy Director of Panchayat or the Director of Panchayats to act against the Panchayat. There are sufficient provisions under the Panchayat Raj Act which empower the Deputy Director and the Director to act. The non-invocation of such power might even amount to the dereliction of duties on the part of the Deputy Director and Director of Panchayats.

6. Be that as it may, we now direct the Panchayat to take further action in the matter. A show cause notice is to be issued to the

respondent no.4 within a week from today and this show cause notice must be disposed of by following the law within a period of two weeks from the date of its issue. The entire exercise commencing from the issue of show cause notice and culminating in final action in accord with the law must conclude within four weeks from today.

7. The Sarpanch and the Secretary of the Village Panchayat must file a compliance report with the Director of Panchayats within four weeks. If no such compliance report is received by the Director of Panchayats within four weeks then the Deputy Director of Panchayat must act in accordance with the provisions of the Panchayat Raj Act which shall enable the Director to take action against Panchayats which are remise in the discharge of their duties or which derelict the discharge of their duties. The petitioner should be apprised of the final decisions taken by the Panchayat and the Director of Panchayats.

8. The petition is disposed of in the above terms. There shall be no order for costs.

9. All concerned to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K
HALDANKAR

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