

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.207 OF 2023

ERNESTO EUSBEIO
DCOSTA AND ANR.

... PETITIONERS

Versus

THE STATE OF GOA THR.
CHIEF SECRETARY AND 10
ORS.

... RESPONDENTS

Mr Athnain Naik, Advocate for the Petitioners.

Mr G. Shetye, Additional Government Advocate for the Respondents.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE : 2nd MAY 2023

P.C. :

1. Heard Mr Athnain Naik for the petitioners and Mr G. Shetye, learned Additional Government Advocate for the State.
2. By order dated 27.03.2023, while issuing notices to the respondents, we had clarified that this petition would be disposed of finally at the stage of admission.
3. Mr Naik today files affidavit of service upon all the respondents.

4. The petitioners' complaint is about some alleged illegal constructions being put up by respondent nos.5 to 10. The petitioners have filed the complaint dated 10.10.2022 to the Panchayat of Cavorim, Salcete Goa. The Panchayat held the site inspection and, according to the petitioners, found some illegalities. However, no further action is taken by the Panchayat.

5. Accordingly, we direct the Village Panchayat of Cavorim to dispose of petitioners' complaint dated 10.10.2022 as expeditiously as possible and, in any case, within two months from today. If the Panchayat, based upon its inspection, has indeed found that the constructions being put up are illegal, the Panchayat should consider issuing necessary Stop Work Orders, so that the constructions do not proceed.

6. In any case, we clarify that we have not gone into the merits of the legality or otherwise of the constructions in question. These are the matters for the Panchayat to look into at the first instance. The Panchayat must comply with the principles of natural justice and fair play. In the peculiar facts of the present case, the Panchayat should also hear the petitioners. The orders of the Panchayat made shall be communicated to the petitioners and respondent nos.5 to 10 within a period of two months from today.

7. Therefore, with the above directions, this petition is disposed of. There shall be no order for costs.

8. All concerned to act on authenticated copy of this order.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.

NITI K
HALDANKAR

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NITI K HALDANKAR
Date: 2023.05.02
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