

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.224 OF 2023

MARIANA M. GONSALVES AND ANR

... Petitioners.

Versus

THE SECRETARY, VILLAGE PANCHAYAT
OF SANTA CRUZ AND 5 ORS

... Respondents.

Mr G. Malik, Advocate *for the Petitioners.*

Mr Deepak Gaonkar, Advocate *for Respondent No.1.*

Mr D.J. Pangam, Advocate General with Ms Akshata Bhat,
Addl. Govt. Advocate *for Respondents No. 2 & 6.*

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

DATE : 10th APRIL 2023

P.C. :

1. Mr Gaonkar, learned Counsel for the Village Panchayat of Santa Cruz, on instructions, states that the Panchayat has already issued stop-work order.

2. Mr Malik states that the Panchayat is not implementing its stop-work order. Mr Gaonkar disputes that position and states that the stop-work order is being and will be implemented.

3. The complaint in this case is that the construction is being put up relying upon a repair permission. The Panchayat has already inspected the site and issued the stop-work order. This means that

the Panchayat was, at least prima facie, satisfied that any further work should stop. Accordingly, it is only appropriate that the Panchayat issues a show cause notice and disposes of such a show cause notice, expeditiously.

4. This course of action would benefit not only the Petitioners, but also Respondents No.3, 4 and 5, because if their actions are legal, then, they can proceed in accordance with law. However, if their actions are unlawful, then, the Panchayat cannot avoid taking action in such matters.

5. Mr Gaonkar states that a meeting of the Panchayat is scheduled on 17th April 2023 and necessary resolution for issuance of a show cause notice will be adopted at the said meeting. The show cause notice must be disposed of within six weeks from the date of its issuance.

6. With the above directions, the Petition is disposed of. All contentions of all parties are left open.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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