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IN THE HIGH COURT OF BOMBAY AT GOA

**CONTEMPT PETITION NO. 8 OF 2023
IN
WRIT PETITION NO. 224 of 2023**

MARIANA M. GONSALVES ... PETITIONER
Vs.
MAHESH NAIQUE & 4 ORS. ... RESPONDENTS

Ms Sona Devi Nishad, Advocate for the Petitioner.

Mr Deepak Gaonkar, Advocate for Respondent Nos. 1 and 2.

Mr Rishikesh Gauthankar, Advocate for Respondent Nos. 3
and 4.

Mr Sahish Mhambrey, Advocate for Respondent No. 5.

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

DATED: 30th AUGUST 2023

P.C.:

1. Mr Rishikesh Gauthankar, the learned Counsel appearing on behalf of Respondent Nos. 3 and 4, based on instructions from Respondent No. 3 [Respondent No. 3 is personally present in the Court], makes a statement that Respondent Nos. 3 and 4 will, within three months from today, demolish the constructions put up by them on the first floor. This statement is accepted as an undertaking to the Court. Respondent Nos. 3 and 4 will now

have to comply with this statement and demolish, the constructions on the first floor put up by them.

2. Mr Gauthankar further states that Respondent Nos. 3 and 4 have instituted Appeal No. 251 of 2023 before the Additional Director of Panchayats. He says that this Appeal will now be restricted only to the ground floor structure and no relief or claim will be pressed with regard to the first floor, which will now be demolished by Respondent Nos. 3 and 4, within three months from today. This statement is accepted and will have to be brought to the notice of the Additional Director of Panchayats, who is hearing the Appeal. Accordingly, it is clarified that even the stay order granted by the Additional Director of Panchayats will be restricted only to the ground floor structure. The stay order insofar as the first floor structure is concerned, is to be taken as vacated.

3. Respondent No. 5 has also given a similar undertaking, which was recorded by us in our order dated 09.08.2023.

4. The undertakings of Respondent Nos. 3, 4 and 5 are accepted. Respondent Nos. 3, 4 and 5 will have to comply with the same.

5. We have also perused the affidavit of the Sarpanch and the Secretary of the Panchayat. Mr Deepak Gaonkar points out that even before any action could be taken after the stop work order was issued, Respondent Nos. 3, 4 and 5 proceeded with the constructions of the new structure comprising of ground plus one

storey under the garb of repair license for the original structure which had only a ground floor.

6. Considering the above circumstances, we discharge the contempt notice qua the Sarpanch and the Secretary. Further, we dispose of this Contempt Petition by accepting the undertakings of Respondent Nos. 3, 4 and 5.

7. The Additional Director of Panchayats must take cognizance of the order dated 09.08.2023 and this order and further, dispose of the Appeals instituted by Respondent Nos. 3, 4 and 5 within a month from today.

8. This Contempt Petition is disposed of.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

VAIGANKAR
ESHA SAINATH

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