

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.140 OF 2023

CECILIA FERNANDES

... Petitioner

Versus

LUIZA FERNANDES AND 6 ORS.

... Respondents

Mr Byron Rodrigues, Advocate *for the Petitioner.*

Mr D. Pangam, Advocate General with Mr Neehal Vernekar,
Additional Government Advocate *for the Respondent-State.*

Mr S. Malik, Advocate *for Respondent No.1.*

Mr Zeller de Souza, Advocate *for Respondent No.2.*

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

DATED: 19th April, 2023

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioner's main grievance concerns the alleged inaction on the part of Village Panchayat of Cansaulim-Arossim Cuelim (Respondent No.2).
3. Because no action was taken against the Petitioner's complaint dated 28.04.2015, the Petitioner had filed proceedings before the Deputy Director of Panchayats. Those proceedings have been dismissed for default. Though, we have our own doubts whether such proceedings could have been dismissed for default, without going into that issue, we

now direct Respondent No.2 to dispose of the Petitioner's complaint dated 28.04.2015 by examining the complaint afresh. This complaint must be disposed of within two months from today after complying with principles of natural justice.

4. Similarly, the Petitioner had made complaint dated 17.04.2021 and the same should also be disposed of by Respondent No.2 within two months from today after complying with principles of natural justice. Mr Malik, learned Counsel for Respondent No.1, against whom the Petitioner has filed both the complaints, states that Respondent No.1 will file replies to both the complaints within two weeks from today without seeking any further time. Such replies to be filed before the Respondent No.2.

5. Since we have not gone into the issue of legality or otherwise of the construction put up by Respondent No.1, all contentions of all parties are left open to be decided by the Panchayat in the first instance.

6. With the above direction, this petition is disposed of.

7. Parties to act based on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.