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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 353 of 2023

ROSARIO FERNANDES ... PETITIONER
VS
THE VILLAGE PANCHAYAT
OF CURTORIM THR. ITS
SECRETARY AND 2 ORS. ... RESPONDENTS

Mr Ashwin D. Bhobe with Ms Annelise Fernandes,
Advocates for the Petitioner.

Mr Vithal Naik, Advocate for Respondent No. 1.

Mr Prashil Arolkar, Additional Government Advocate for
Respondent No. 2.

Respondent No. 3 in person.

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

DATED: 6th SEPTEMBER 2023

P.C.:

1. Heard Mr Bhobe for the Petitioner, Mr Vithal Naik for Respondent No. 1 [Panchayat] and Mr Arolkar for Respondent No. 2. Respondent No. 3 is present in person.
2. This Petition seeks enforcement of the final demolition order dated 15.03.2021 as confirmed by judgment and order dated 28.06.2022.
3. Mr Vithal Naik, the learned Counsel for the Panchayat states that the demolition order dated 15.03.2021 was executed

and in pursuance of the same, the fencing was demolished. He placed on record an office order dated 26.07.2023 along with Panchanama and photographs as proof of demolition carried out.

4. Mr Vithal Naik states that however, the Panchayat has noticed that after this demolition was carried out, Respondent No. 3 erected an additional fencing of metal mesh with cement poles. He states that when the Revision against the demolition order was pending before the Court, Respondent No. 3 erected additional fencing of metal mesh with cement poles, again, without any permission from the Panchayat. He points out that the Panchayat, therefore, issued a show cause notice dated 02.06.2023 and after the reply was found to be unsatisfactory, issued a final notice for demolition dated 11.07.2023.

5. Respondent No. 3 who is present in person states that the entire fencing including the additional fencing noticed during the site inspection conducted on 16.05.2023 has been demolished. She categorically states that there is no fencing as referred to in the final notice for demolition dated 11.07.2023. She says that the Panchayat is free to inspect the site.

6. Accordingly, the Panchayat must inspect the site within a week from today. If the demolition is not carried out as claimed by Respondent No. 3, the Panchayat must engage labourers and carry out the demolition without waiting for any demolition squad. This is because the final notice for demolition only refers to metal mesh fencing with cement poles. The costs for demolition will have to be paid by Respondent No. 3 and the same should be recovered from Respondent No. 3.

7. Respondent No. 3 maintains that the demolition is already carried out by her and in any case, she will not object to the demolition being carried out by the Panchayat or by even challenging the final notice for demolition dated 11.07.2023 or otherwise. This statement is also recorded.

8. By recording the above statements and directing the parties to act accordingly, this Petition is disposed of.

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

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

VAIGANKAR
ESHA SAINATH

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