

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 343 OF 2023

SHANTARAM HARIKANT AGAPURKAR ...Petitioner

VS

THE VILLAGE PANCHAYAT OF CHICALIM, ...Respondents
THR. THE SARPANCH AND 7 ORS

Ms Fawia Misquita, Advocate *for the Petitioner.*

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

DATE: 5th JULY, 2023

P.C.:

1. Heard Ms Misquita, learned Counsel for the petitioner.
2. The petitioner challenges the alleged high-handed action of the Panchayat in demolishing his structure.
3. The record, at least *prima facie*, bears out that the structure was put up without permission from the Panchayat. There is a record that a Stop Work order was also issued, which the petitioner apparently defied.
4. A demolition order-cum-order for revocation of the trade/establishment licence was made by the Panchayat on 26/03/2023

after giving the petitioner a Show Cause Notice. This order requires the petitioner to demolish the structure within three days.

5. Ms Misquita now complains that the Panchayat demolished the petitioner's structure even before the third day could expire. According to her, this amounts to a high-handed action. Further, she relies upon the Director of Panchayats' circular dated 10/07/2000, which refers to requisitioning of a demolition squad. She submits that no such squad was requisitioned, indicating malafides.

6. The petitioner has already appealed against the demolition order dated 26/03/2023 before the Additional Director of Panchayats. The notice has already been issued in the appeal, and the returnable date is 31/07/2023. Considering the alternate remedy already availed, we do not consider it appropriate to entertain this petition.

7. Since the appeal is pending, we do not wish to address learned Counsel's arguments on the issue of malafides or high-handed action. However, suffice to note that at least, *prima facie*, the initial structure was put up without permission and the demolition order was made after compliance with the principles of natural justice. The instances referred to by the petitioner do not, at least *prima facie*, make out any case of malafide. The demolition order was made on the 23rd June and executed on the 26th. Merely because the Panchayat may have acted with some promptitude, we cannot prime facie infer malafide.

8. For the above reasons, we decline to entertain this petition. However, we clarify that our above observations are only *prima facie*, and the same need not influence the appellate authorities while deciding the appeal. The appellate authorities will have to decide the appeal on its own merits and in accordance with the law.

9. We request the appellate authorities to dispose of the appeal expeditiously.

10. The petition is disposed of in the above terms without any orders for costs.

BHARAT P. DESHPANDE,J.

M. S. SONAK, J.