

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 710 OF 2023

NAKUL ATMA CHODANKAR @
NAKUL TARI ... PETITIONER
VS
STATE OF GOA THR. ITS CHIEF
SECRETARY AND 6 ORS. ... RESPONDENTS

Mr Prasheen Lotlikar, Advocate for the Petitioner.

Mr Devidas J. Pangam, Advocate General with Ms Akshata
Bhat, Additional Government Advocate for Respondent Nos.
1 and 2.

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

DATED: 1st NOVEMBER 2023

P.C.:

1. Heard Mr Lotlikar for the Petitioner. Learned Advocate General appears along with Ms Akshata Bhat for Respondent Nos. 1 and 2.
2. For the order that we propose to make, no notice is necessary to the remaining Respondents.
3. The Petitioner's grievance is that his complaint against the construction put up by Respondent Nos. 4 to 7 is not being

addressed by the Panchayat and the Town and Country Planning Department. The Petitioner's main complaint is that Respondent Nos. 4 to 7 were held by the decree of the Civil Court as not being the owners of the property, in which, they have put up the construction. Still, they filed affidavits before the Authorities claiming ownership and based upon such affidavits, they have secured permissions.

4. At this stage, it is not for this Court to go into such allegations. However, if such complaints have been filed before the Panchayat and the Town and Country Planning Department, then, such Authorities must dispose of the complaints in accordance with law and by complying with principles of natural justice. This means that the Authorities should afford an opportunity of hearing to the Petitioner and Respondent Nos. 4 to 7.

5. Accordingly, we direct the Panchayat and the Deputy Town Planner, Mapusa, Bardez, Goa, to consider the complaints made to them or marked to them and in any case, treat this Petition itself, as Petitioner's representation and dispose of the same on its own merits and in accordance with law within three months from today. The Authorities must, as indicated above, comply with the principles of natural justice and fair play. Further, we clarify that we have not gone into the allegations made by the Petitioner in this Petition and therefore, all contentions of all parties including the Petitioner and Respondent Nos. 4 to 7, are specifically kept open.

6. This Petition is disposed of in the above terms without any order for costs.

7. 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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