

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.17 OF 2023

SHARADCHANDRA DESHPRABHU
THR. POA MORESHWAR
ANANDRAO DESHPRABHU

... Petitioner

Versus

STATE OF GOA THR. ITS
CHIEF SECRETARY AND 5 ORS.

... Respondents

Mr Iftikhar Agha with Ms Valencia Fernandes, Advocates *for the Petitioner.*

Ms Sulekha Kamat, Additional Government Advocate *for the Respondent Nos.1, 2 and 4.*

Mr D. Zaveri, Advocate *for Respondent Nos.5 and 6.*

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

DATED: 17th April, 2023

P.C.:

1. Heard Mr Iftikhar Agha and Ms Valencia Fernandes for the Petitioner, Ms Sulekha Kamat, Additional Government Advocate for Respondent Nos.1, 2 & 4 and Mr D. Zaveri for Respondent Nos.5 and 6.
2. In our order dated 28.02.2023, we had directed the Panchayat to give a timeline within which the demolition order dated 06.04.2022 would be executed. Further, we had clarified that until the Panchayat had some good reason for not executing the order dated 06.04.2022, the

Panchayat would be free to execute the same since Mr Agha the learned Counsel for the Petitioner had made a statement that Respondent Nos.5 and 6 had never challenged this order.

3. On 20.03.2023, the Secretary Mr Sachin Dhavaskar was present in the Court and he was prepared to give a statement that the Panchayat could execute the demolition order within four weeks. However, since Respondent Nos.5 and 6 had not been served, we deferred the hearing to 17.04.2023.

4. Today, Mr Zaveri the learned Counsel for Respondent Nos.5 and 6, claims that the demolition order dated 06.04.2022 was never served upon Respondent Nos.5 and 6. He states that these Respondents would be taking steps to challenge the order dated 06.04.2022 now that they are made aware of the same.

5. At this stage, it is not for us to go into the issue of service of the order dated 06.04.2022. Since, as of date, the demolition order dated 06.04.2022 has neither been interfered with nor stayed by any authorities under the Goa Panchayat Raj Act, 1994, the Panchayat will have to execute the demolition order. Since on the last occasion, the Secretary had stated that the same would be executed within four weeks from today, we direct the Panchayat to execute the demolition order dated 06.04.2022 within four weeks, unless, in the meanwhile, such execution is stayed by any of the authorities under the Panchayat Raj Act.

6. The Petitioner is to serve an authenticated copy of this order since today, the Secretary of the Panchayat is not present in the Court even though this date was fixed in his presence.

7. The petition is disposed of without any order for costs.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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