

Amrut

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CONTEMPT PETITION NO. 1 OF 2023**

**IN**

**WRIT PETITION NO. 310 OF 2021**

CAETANO A MONTEIRO

... Petitioner

***Versus***

DR. SHAMILA MONTEIRO,

MEMBER SECRETARY AND 2 ORS.

... Respondents

Mr Abhishek Sawant, Advocate for the Petitioner.

Mr. P. A. Kamat, Advocate for Respondent No.2.

Mr Rohidas Pereira, Secretary of V. P. of Taleigao present in the Court.

Mr Janu Rosario, Sarpanch of V. P. of Taleigao present in the Court.

**CORAM:**

**M. S. SONAK &**

**BHARAT P. DESHPANDE, JJ**

**DATED :**

**20<sup>th</sup> FEBRUARY 2023**

**P.C.:**

**1.** Mr Rohidas Pereira, Secretary of V. P. of Taleigao, is present in the Court. He files an affidavit and along with the affidavit he has annexed a resolution of the Panchayat dated 15.02.2023.

**2.** Mr. Sawant, learned counsel for the Petitioner points out that despite clear directions in our judgment and order dated 09.03.2022, the Panchayat was to grant an opportunity of hearing to the Petitioner

before taking any decision, the Panchayat, merely to avoid action under the Contempt of Courts Act has hurriedly taken a decision without hearing the Petitioner.

3. At least *prima facie*, Mr Sawant is justified in his submission. No opportunity of hearing was admittedly granted to the Petitioner even though, in paragraph 7 of our judgment and order dated 09.03.2022, we had made it clear that in the peculiar facts of this case, the Petitioner had to be heard before any decision could be taken in the matter.

4. Mr. P. A. Kamat based on the instructions from the Sarpanch states that the resolution dated 15.02.2023 stands withdrawn. On instructions, he states that the Panchayat will hear the Petitioner and Respondent No.7 and only thereafter will take an appropriate decision in the matter.

5. Mr Kamat, on instructions from Mr Pereira states that the meeting of the Panchayat is scheduled on 28.02.2023 at 10.00 a.m. Mr P. Kamat states that the notice will also be issued to the original Respondent No.7 to attend the meeting on the said date. Upon hearing both parties, the Panchayat will take an appropriate decision.

**6.** Mr Sawant states that the Petitioner will remain present at the Panchayat meeting on 28.02.2023 at 10.00 a.m., without the necessity of any fresh notice.

**7.** The decision of the Panchayat should be communicated to the Petitioner and Respondent No.7 latest by 15.03.2023.

**8.** The Sarpanch has expressed apology orally and the Secretary in his affidavit has expressed written apology. The Sarpanch and the Secretary are present in the Court. Their apologies are accepted.

**9.** The Contempt Petition is disposed of.

**BHARAT P. DESHPANDE, J**

**M. S. SONAK, J**