

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.928 OF 2023

BERNANDO FERNANDES

.... Petitioner.

VS

**THE DIRECTOR, DIRECTORATE OF
PANCHAYATS**

....Respondent.

Mr Parag Rao and Mr Akhil Parrikar, Advocate for the applicant.
Mr Devidas Pangam, Advocate General with Ms. Maria Correia
Addl. Govt. Advocate for the respondent.
Petitioner present in Court.

CORAM:

BHARAT P. DESHPANDE, J

Date

21st December 2023.

P.C.:

1. After hearing the matter for some time, Mr Rao, learned counsel appearing for the petitioner, on instructions from the petitioner who is present in the Court submits that petitioner is ready and willing to tender his resignation from the post of Sarpanch of Village Panchayat Arambol, Pernem Goa.
2. Mr D. Pangam, learned Advocate General along with Ms Maria Correia, learned Addl. Govt. Advocate for the respondent would submit that in view of the resignation tendered by the petitioner and handed over to the officer of the Directorate of Panchayats, the Directorate of Panchayats would withdraw the order dated

15.12.2023 with effect from today itself.

3. Mr Rao, appearing for the petitioner, on instructions, submits that petitioner would not insist upon mandatory period of 10 days for the resignation to take effect as provided under Section 50(3) of the Goa Panchayat Raj Act and that resolution shall come into effect immediately on withdrawal of the order dated 15.12.2023 issued by Directorate of Panchayats.

4. The above arrangement is accepted with consent of the parties so that necessary inquiry could be conducted as directed by the Division Bench of this Court in the matter with regards to illegal construction and also functioning of the panchayat body.

5. Petitioner is present and submitted that he is ready and willing to tender his resignation. Officer of the Directorate of Panchayats accepts registration letter so as to handover it to Director, who then would withdraw the order dated 15.12.2023 by issuing separate order itself and give effect to the resignation tendered by the petitioner.

6. Learned Advocate General now makes a statement on behalf of the Directorate of Panchayats that order dated 15.12.2023 shall stand withdrawn with immediate effect. Similarly resignation tendered by the petitioner is accepted with immediate effect and by waiving period of 10 days as provided under Section 50(3) of the Goa Panchayats Raj Act (Tendered copy is marked "X" for identification.). Accordingly, petitioner ceased to be Sarpanch of Village Panchayat

Arambol with immediate effect in view of resignation handed and accepted by Directorate of Panchayats. Above statement of learned Advocate General is accepted and parties shall act accordingly.

7. With these observations, petition stands disposed of.
8. Parties shall act on the duly authenticated copy of this order.

BHARAT P. DESHPANDE, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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