

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.181 OF 2024

KUNDAN B KALANGUTKAR

... Petitioner

Versus

VILLAGE PANCHAYAT OF
NADORA BARDEZ THR. ITS
SECRETARY AND 5 ORS.

... Respondents

Mr L. Raghunandan, Advocate *for the Petitioner under Legal Aid Scheme.*

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

DATED: 28th February 2024

P.C.:

1. Heard Mr Raghunandan for the Petitioner under the Legal Aid Scheme.
2. For the order that we propose to make, no notice is necessary to the Respondents.
3. The Petitioner's grievance is that Respondent Nos.4 to 6 have constructed a house in Survey No.55/21 and a compound wall in Survey Nos.56/3 and 56/4 without obtaining any permission from the Village Panchayat of Nadora, Bardez, Goa.

4. Mr Raghunandan pointed out that the Panchayat issued a stop work order in respect of the compound wall and a show cause notice in respect of the house and till date, no steps are being taken by the Panchayat to dispose of the proceedings before it. He points out that instead, the Panchayat is advising the Respondent Nos.4 to 6 to apply for regularisation.

5. Now that the Panchayat has taken cognizance of the Petitioner's complaint and issued the stop work order dated 31.03.2022 and stop work order dated 17.06.2022, it is incumbent on the Panchayat to dispose of the proceedings before it as expeditiously as possible and in any case within a month from the Petitioner placing an authenticated copy of this order before the Panchayat.

6. The Panchayat must comply with principles of natural justice and fair play and in the peculiar facts of this case, hear not only Respondent Nos.4 to 6, but also the Petitioner, before disposing of the show cause notice. The Panchayat must communicate its decision within a month to the Petitioner and Respondent Nos.4 to 6.

7. We clarify that we have not gone into the issue of legality or otherwise of the construction, because we think that this is a matter which should be looked into by the Panchayat in the first instance. Therefore, all contentions of all parties including those of Respondent Nos.4 to 6 are specifically left open.

8. The petition is disposed of in the above terms. All concerned to act on an authenticated copy of this order.

9. We thank Mr Raghunandan for appearing on behalf of the Petitioner

under the Legal Aid Scheme. The GSLSA must pay his fees in accordance with the Rules.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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Francisco Dsouza,
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