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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.466 OF 2024

PRAKASH LADU TAMASKAR

... Petitioner

Versus

THE STATE OF GOA THR.
ITS CHIEF SECRETARY
AND 8 ORS.

... Respondents

Mr Prasheen Lotlikar with Mr Bhavesh Lotlikar, Advocates for the Petitioner.

Mr Ajay Borkar, Additional Government Advocate for Respondent Nos.1 to 3, 5 and 6.

Ms Sneha Shetye, Advocate for Respondent No.4.

Mr A.D. Bhohe with Ms Annelise Fernandes, Advocates for Respondent Nos.7 and 8.

**CORAM: M.S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED: 29th July, 2024

P.C.:

1. By this petition, the Petitioner seeks a writ of mandamus to direct Respondent Nos.2 to 5 to take action on the complaint dated 10.10.2023 filed by the Petitioner.
2. Pursuant to notices being issued, the Respondent No.2 Deputy Collector, Bicholim has issued three notices all dated 24.07.2024 under the provisions of Section 40 of the Goa Land Revenue Code, 1968 and in terms of the Goa Land (Prohibition of Construction) Act, 1995 and

Amendment Act, 2013. These notices have been issued to the Respondent Nos.7 and 8 and also to the Petitioner, who is purported to have carried out illegal construction within Government land. The land in question is land under Survey No.133/0 of Village Curchirem, Bicholim Taluka.

3. From the statements made by the Petitioner in the petition, it appears that the Village Panchayat of Maulingem has taken no action in terms of the provisions of Section 66 of the Panchayat Raj Act, 1994. It is reported that no show-cause notice has been issued to the Respondent Nos.7 and 8 for restituting action against the alleged illegal construction.

4. Ms Sneha Shetty appearing for Respondent No.4 Panchayat reports that she has not yet received any instructions from the Secretary of the Panchayat as to the action being contemplated by the Panchayat on these complaints.

5. This being the position in the matter, it would suffice if the following directions are issued to the authorities in these terms:

- a) The Deputy Collector at Bicholim shall proceed to take action in pursuance of the three notices issued by them on 24.07.2024 under the provisions of Section 40 of the Goa Land Revenue Code, 1968 and in terms of the Goa Land (Prohibition of Construction) Act, 1995 and Amendment Act, 2013. On instructions, Shri A.D. Bhobe appearing for Respondent Nos.7 and 8 undertakes to file replies to the notices within 15 days from 02.08.2024 which is the first date of hearing fixed by the Deputy Collector. The Deputy

Collector shall, after hearing the Respondent Nos.7 and 8 and the Petitioner/Complainant, dispose of these three notices by 30.10.2024.

- b) The Village Panchayat of Maulingem/Respondent No.4 shall inspect the site in question and take appropriate action in terms of the procedure prescribed under Section 66 of the Panchayat Raj Act. If a show-cause notice is issued, the same shall be disposed of by 30.10.2024, after hearing the Respondent Nos.7 and 8 and the Petitioner/complainant. Orders in terms of Section 66 shall be passed by the Panchayat on or before 30.10.2024.

6. All contentions of the parties are left open. The petition is disposed of in the above terms. No order as to costs.

7. Any application for regularization filed by any of the parties under the Goa, Daman and Diu Land Revenue Code, 1968 shall be considered on its own merits. The Deputy Collector, Bicholim who is seized of the application for regularization under No. LND/ENC/BICH/01/2015 shall dispose off the same after considering any orders passed by the authorities, referred to in clauses (a) and (b) of para 5 above by 30.11.2024 after hearing the present Petitioner/Complainant and Respondent Nos.7 and 8.

VALMIKI MENEZES, J.

M.S. KARNIK, J.