

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.798 OF 2023

LAXMAN GAWAS AND 2 ORS

... PETITIONERS

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND 8 ORS

... RESPONDENTS

Mr Eeshan Usapkar, Advocate for the Petitioners.

Mr. Devidas J. Pangam, Advocate General, with Mr Prashil Arolkar,
Additional Government Advocate for the Respondents No.1, 2, 4, 5
and 6.

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

DATED :- 5th February, 2024

P.C.

Heard Mr Usapkar, learned counsel for the petitioner. Learned Advocate General appears with Mr Arolkar, learned Additional Government Advocate for respondents no.1, 2, 4, 5 and 6.

2. For the order that we propose to make, no notices are necessary to the remaining respondents.

3. The petitioners, inter alia, challenge the judgment and award made by the Additional Director of Panchayat in Appeal No.ADP-1/Dhargalim/PA.114/2022/ which bears no date. Mr Usapkar points out that the petitioners were not parties to the proceedings

before the Additional Director and have come to know and received a copy of this order from the Panchayat recently.

4. Learned Advocate General points out that as against the Additional Director's order, the petitioners have a remedy by way of revision before the District Court. Accordingly, the petitioners are granted liberty to avail of the alternate remedy available to them under the Panchayat Raj Act. All contentions of all parties in this regard are kept open.

5. Mr Usapkar points out that the petitioners have complained, inter alia, to the Deputy Town Planner and the Medical/Health Officer about the permissions granted to respondents no.7 and 8 for setting up RMC Plant close to the petitioners' homes. He refers to the complaints/representations dated 13.02.2023.

6. Accordingly, we direct the Deputy Town Planner and the Medical/Health Officer to look into these complaints and dispose of the same in accordance with the law after due compliance with the principles of natural justice and fair play. In the peculiar facts of this case, an opportunity of hearing may be granted to the petitioners and respondent no. 7 and 8 before taking any final decision. Again, we clarify that we have not examined the merits of the complaints because we think that these are matters that the authorities must first look into.

7. The petition is disposed of with the above directions with no order for costs.

8. All concerned to act based on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

MARIA SUZANA REBELLO

Digitally signed by MARIA SUZANA REBELLO
Date: 2024.02.05 17:10:41 +05'30'