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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.630 OF 2016

SADANAND APA KAMBLI

... Petitioner.

Versus

VILLAGE PANCHAYAT BANDORA,
THR. ITS SECRETARY AND ANR.

... Respondents.

Mr Nilesh Shirodkar, Advocate for the Petitioner.

Mr V.A. Lawande with Mr Shivam Gurav and Mr Parimal Redkar,
Advocates for Respondent No.3.

CORAM: VALMIKI MENEZES, J.

DATED: 18th October, 2024

P.C:

1. This petition invokes the Court's supervisory jurisdiction under Article 227 of the Constitution of India. The main challenge is to the order passed by the order dated 07.05.2016 passed by the District Court in a Revision Petition under Section 201-B of the Goa Panchayat Raj Act. The genesis of these proceedings lie in a complaint made by the brother of the newly impleaded Respondent complaining that the Petitioner had carried out an illegal extension to his house in the land under Survey No.7/5 of Village Bandora.

2. In defence, the Petitioner claimed that the house was existing for more than 70 years and that he had only carried out repairs to the house. The Complainant's case was that under the guise of repairing the house, the Petitioner had extended the house by erecting a new construction

without any licence in terms of Section 66 of the Act.

3. The Village Panchayat initially passed a demolition order on 01.08.2008 which was at the relevant time signed by the Sarpanch, person not authorised by the Act to sign the same. This order was challenged in appeal before the Director of Panchayats who set it aside on 02.07.2012 solely on the ground that such an order was void in terms of the provisions of the Act as the Sarpanch was not empowered to sign the same.

4. In the meantime, since the Panchayat was not exercising jurisdiction in terms of Section 66 of the Act, the Deputy Director of Panchayats in terms of Section 66(5) of the Act issued a show cause notice to the Petitioner and consequent thereupon, directed the Block Development Officer (BDO) to carry out inspection of the site; the BDO inspected the site and drew up a panchanama with a sketch of the structure in question specifying at clause (3) of the panchanama the exact dimensions of the structure which according to its calculations admeasure 95.13 sq. mts. Based on the report of the BDO, the Deputy Director heard the Petitioner, who at the relevant time produced no licence or permission in terms of the Act to justify the legality of the construction; the Petitioner was directed by the Deputy Director of Panchayats by order dated 08.03.2011 to demolish the structure which was subject matter of the complaint/ panchanama admeasuring 95.13 sq. mts.

5. Against this order, the Petitioner carried an appeal to the Director of Panchayats which was also dismissed on 11.08.2012 coming to specific findings, based upon the panchanama and the sketch attached thereto, that the Petitioner had no valid licence for the construction admeasuring 95.13 sq. mts. carried out at the site. Against this order, a revision application

was filed by the Petitioner in the District Court which resulted in the passing of the impugned order.

6. After hearing the rival submissions of the parties and perusing the order of the District Court, I find absolutely no infirmity in the exercise of revisional jurisdiction by the District Court whilst passing the impugned order. The District Court has considered the panchanama and all other documents on record and has concluded that the findings of the Deputy Director which were confirmed by the Director of Panchayats, that the Petitioner has in fact constructed an illegal structure, without any licence under the Act, admeasuring 95.13 sq. mts. is proper. There is no jurisdictional error or any other error apparent on the face of the record of the proceedings of the authorities who have considered the matter that calls for interference of this Court in its supervisory jurisdiction under Article 227.

7. As a matter of fact, during the hearing of this matter on 27.09.2024, this Court, to avoid any ambiguity in terms of whether the BDO's report was contrary to the dimensions and area of the structure in question on site, had appointed a surveyor from the Survey Department and called for a report to determine the dimensions of the structure existing at site. The site inspection report and plan of the surveyor is at Annexure 'C' and 'D'. The sketch drawn up by the surveyor to scale is annexed to the said inspection report of the Court file. This report refers to structure 'A' which is seen on the promulgated survey record and admeasures 7.60 x 6.50. Apart from this structure, all other structures which are shown under lines A-1, A-2, A-3 and A-4 are structures found beyond the original plinth of the structure shown in the survey, thereby indicating that they were

constructed at a later date. The Petitioner has been unable to produce any licence to justify any construction beyond the original plinth which admeasures 7.60 x 6.50. In that view of the matter, there is no ambiguity insofar as the dimensions of the structure and the report that is placed on record by the BDO describing the illegal structure which is the subject matter of the demolition orders.

8. The impugned order does not call for any interference in writ jurisdiction. The petition is dismissed with no order as to costs.

9. Rule is discharged.

10. At this stage, the Petitioner seeks an extension of the interim relief granted on 04.07.2016 for a period of one month to enable him to challenge this order. I see no reason why any indulgence should be shown to the Petitioner when he is unable to produce any licence or documents to show that the structure in question is legal. The extension is rejected. Needless to state, the Village Panchayat of Bandora shall proceed to execute the demolition order dated 08.03.2011 passed by the Deputy Director of Panchayats with respect to the structure admeasuring 95.13 sq. mts. as expeditiously as possible and in any event, within two months from the date of this order.

VALMIKI MENEZES, J.