



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 669 OF 2024

VILLAGE PANCHAYAT OF SIOLIM- ... PETITIONER
MARNA THR. ITS SECRETARY
VS
SALMAN MIRASAB BEPARI AND 5 ... RESPONDENTS
ORS.

Mr. Pranay A. Kamat, Advocate for the Petitioner.

Mr. G. Teles with Mr. A. Sail, Advocates for the Respondent
No.1.

Mr. Arjun Naik, Advocate for the Respondent No.2.

Mr. Manish Salkar, Government Advocate for Respondent
No.3.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent Nos. 4, 5 and 6.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.&
BHARAT P. DESHPANDE, J.**

DATED: 27th SEPTEMBER 2024

P.C:

1. The learned State Counsel representing the Goa State Pollution Control Board has tendered a notice dated 26/09/2024 issued to the Respondent Nos. 1 and 2 whereby these Respondents have been directed to show cause as to why the operation of this Establishment/Unit should not be

directed to stop the unlicensed activity forth with.

2. The notice/order dated 26/09/2024 further directs Respondent Nos. 1 and 2 to suspend the operation of Establishment/Unit including activity of slaughtering. The said notice/order dated 26/09/2024 is taken on record.

3. The learned counsel representing the Directorate of Food and Drug Administration has produced before the Court, an Inspection Report dated 24/09/2024 which is prepared by the Health Officer.

4. A Show Cause Notice has also been issued under Section 31 of the Food Safety and Standards Act 2006 for operating business without license/registration dated 26/09/2024.

5. The Inspection Report dated 24/04/2024 and the notice dated 26/09/2024 issued under Section 31 of Act of 2006 are taken on record. By the said notice dated 26/09/2024, the Respondents have also been directed to stop unlicensed activity forthwith.

6. The learned counsel for the Petitioner has further raised an issue relating to the alleged illegal construction of the structures where the Establishment/Unit is said to be

running.

7. He stated that the Village Panchayat concerned had passed an order of demolition dated 21/11/2023 against which two appeals namely Panchayat Appeal No. 319/2023 and Panchayat Appeal No. 427 of 2023 are pending before the Director of Panchayat. It has been stated by learned counsel representing Respondent No. 1 that in Panchayat Appeal No. 319/2023, an application has been moved by the Respondent No. 1 seeking withdrawal of the said appeal. Accordingly, we direct that the said application seeking the withdrawal of the Panchayat Appeal shall immediately be attended to by the Director/Additional Director before whom the said appeal is pending and requisite order shall also be passed forthwith.

8. So far as Panchayat Appeal No. 427/2023 is concerned, we direct that the said appeal shall also be decided by the Appellate Authority, expeditiously, say within a period of 6 weeks from the date of a certified copy of this order is served upon the Appellate Authority.

9. We further direct that depending upon outcome of Panchayat Appeal No. 427/2023, if an illegality is found in the subject structure, further action which may be warranted

under the Law, shall also be taken by the concerned authorities.

10. With the aforesaid observations and directions, Writ Petition stands finally disposed of.

BHARAT P. DESHPANDE, J.

THE CHIEF JUSTICE