

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO.705/2023**

MAHADEV RAMCHANDRA VAZE

... PETITIONER

*Versus*SAGUN SAJRO GADDI @ GHADI
(SINCE DEC.) & 6 ORS.

... RESPONDENTS

Mr Prasheen Lotlikar, Advocate for the Petitioner.

Mr A. D. Bhobe with Ms A. Fernandes, Advocates for Respondents No.1
to 6.**CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.****DATE: 7th OCTOBER 2024****P.C.:**

1. Heard Mr Prasheen Lotlikar for the petitioner and Mr A. D. Bhobe for respondents no.1 to 6. None appeared on behalf of the Panchayat though duly served.
2. The present petition is filed for a direction to respondent no.7 to act upon the complaint dated 24.04.2023 filed by the petitioner against the illegal construction carried out in the property bearing Survey No.282/0 of Village Latambarcem, Bicholim, North Goa and take the complaint to its logical conclusion.
3. Mr Bhobe submitted that in view of the pending civil proceedings that are already pending between the parties it was not open for the petitioner to re-agitate the issues which have been decided in the application for temporary injunction. He submitted that the order passed by the Appellate Court set aside the temporary mandatory injunction

granted by the Trial Court. Mr Lotlikar submits that filing a civil suit and filing a complaint before the Panchayat are two separate and distinct proceedings altogether and one has nothing to do with the other.

4. In any case, in our opinion these are matters which can be best left to the Panchayat as the complaint is pending before the Panchayat which needs to be taken to its logical conclusion in accordance with law. Before proceeding to pass any orders, the Panchayat is expected to issue notices to respondents no.1 to 6 and after hearing them and obviously after considering the orders passed in the pending civil suit, the Panchayat will have to take appropriate decision. The Panchayat is directed to take such decision within twelve weeks from today.

5. With the above direction, the Writ Petition is disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.