

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 734 OF 2023

Mr. Roque Menezes, aged 54 years, self
employed, r/o Vittozem Piedade, Diwar,
Ilhas, Goa.

... PETITIONER

Versus

1. Ramesh Volvoikar, r/o H. No. 814,
Devagi, Chodan, Madel, Tiswadi-
Goa.

2. Village Panchayat of Chodan-Madel,
Through its Secretary, Chodan-
Madel, Goa.

3. Additional Director of Panchayat-1,
having office at Myles High Building,
Patto-Panaji, Tiswadi, North-Goa.

... RESPONDENTS

Mr. S.D. Lotlikar, Senior Advocate with Ms. Sailee Kenny,
Advocate for the Petitioner.

Mr. Abhijit Gosavi with Mr. Guruprasad Naik, Advocates
for Respondent No. 1.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent No. 3.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 25th APRIL 2024

ORAL JUDGMENT:

1. Heard the learned Senior Counsel Mr. Lotlikar appearing
along with Ms. Kenny for the Petitioner, Mr. Gosavi appearing for

Respondent No. 1 and Mr. Shetye, learned Additional Government Advocate for Respondent No. 3. None appeared on behalf of Respondent No. 2.

2. Rule. Rule made returnable forthwith. Heard finally with consent of parties at the admission stage itself.

3. Mr. Lotlikar submits that during the initial rounds of litigation, this Court had directed that the proceedings be disposed of by impleading the present Petitioner. The Panchayat thereafter passed an order of demolition of the structure dated 27.04.2023. Respondent No. 1 filed an Appeal before the Additional Director of Panchayats challenging such notice.

4. Mr. Lotlikar submits that the Petitioner, who is the Complainant was not made a party deliberately and then a stay order was obtained. He submits that an Application was filed by the Petitioner to implead him in the said proceedings, which is still not decided and the Appeal is pending before the concerned Authority.

5. The allegations against Respondent No. 1 is that he constructed a building in the property belonging to the Petitioner without obtaining any license or permission.

6. Mr. Gosavi submits that such construction/repairs is in the property of Respondent No. 1 itself.

7. Mr. Gosavi appearing for Respondent No. 1 now submits that the Application filed by the Petitioner for impleadment be allowed.

8. Mr. Shetye appearing for Respondent No. 3 submits that the Additional Director of Panchayats shall decide the said proceedings as early as possible and in a time bound manner.

9. The Petition could be disposed of by allowing the intervention Application filed by the Petitioner and by directing the Additional Director of Panchayats to decide the Appeal in a time bound manner.

10. A copy of this order be forwarded to the Additional Director of Panchayats since a question of illegal construction is pending since 2021 and that the Petitioner approached this Court on three occasions.

11. The parties submit that the matter is listed on 29.04.2024. The parties undertake to appear before the Additional Director of

Panchayats on that date. The Additional Director of Panchayats shall decide such an Appeal within a period of two months from 29.04.2024 by allowing the Petitioner to intervene.

12. Needless to mention that this Court has not gone into the contentions raised by both the parties. All contentions of all parties are kept open.

13. Rule is made absolute in the above terms.

14. Parties shall act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

ESHA SAINATH
VAIGANKAR

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