

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.691 OF 2023

EUZEBIO AGNELO GOMES

... PETITIONER

Versus

THE STATE OF GOA THR ITS CHIEF
SECRETARY AND 4 ORS

... RESPONDENTS

Mr. Andre Pereira, Advocate for the Petitioner.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar,
Additional Government Advocate for Respondent Nos. 1 and 4.

Mr. Ashwin D. Bhobe and Ms. A. Fernandes, Advocates for
Respondent No. 2.

Mr Venkatesh Nayak Salatry, Advocate for Respondent No. 5.

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

DATED :- 12th February, 2024

P.C.:

Heard Mr Pereira, learned counsel for the Petitioner. Mr D. Pangam, learned Advocate General appears with Mr D. Shirodkar, learned Additional Government Advocate for Respondent Nos. 1 and 4. Mr A. D. Bhobe, learned counsel appears for Respondent No.2-Panchayat and Mr V. Salatry, learned counsel for Respondent No.5.

2. The Petitioner has certain grievances against the issue of a No Objection Certificate dated 19.06.2023 by the Panchayat to the fifth

Respondent in undertaking water harvesting works.

3. Accordingly, the Petitioner, by his communication dated 04.08.2023 called upon the Panchayat to revoke this N.O.C. dated 19.06.2023 immediately.

4. The Panchayat took cognizance of the Petitioner's complaint and issued a notice dated 01.09.2023 to the Petitioner and the fifth Respondent requiring them to remain present for site inspection scheduled on 14.09.2023.

5. Mr Bhobe, learned counsel for the Panchayat on instructions states that the site inspection was held on a subsequent date but the Petitioner/complainant did not remain present. He states that a report has already been prepared and the Panchayat will dispose of the Petitioner's complaint on its own merits within four weeks from today.

6. The Petitioner disputes that any site inspection was actually held. Mr Pereira states that on the appointed date the Petitioner was informed that the site inspection has been postponed and a fresh date would be communicated.

7. A copy of the report must be furnished to the Petitioner and the fifth Respondent within a week from today.

8. In the peculiar facts of the present case, the Panchayat should dispose of the Petitioner's complaint by granting an opportunity of hearing to the fifth Respondent as well as the Petitioner. The complaint must be disposed of within four weeks from today and the decision thereon must be communicated to the Petitioner and the fifth Respondent within this period. All contentions of all parties on merits are left open to be decided by the Panchayat.

9. The petition is disposed of in the above terms without any order for costs.

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

VALMIKI SA MENEZES, J.

M. S. SONAK, J.