



Esha

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.67 OF 2025

SHEKHAR PUNDALIK PRABHU

... PETITIONER

Versus

VILLAGE PANCHAYAT OF LOLIEM AND 5

ORS

... RESPONDENTS

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

Mr. Suhas Parab, Additional Government Advocate for Respondent Nos. 2 to 6.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED :- 22nd September, 2025

P.C:

Today, when the Petition is called out, none represent the Village Panchayat of Loliem or even the private Respondent No. 7, and on 10.09.2025, we had made it clear that a last opportunity is afforded to the Respondents to respond to the amended Petition. Hence, we have asked the learned Additional Government Advocate, who represent Respondent Nos. 2 to 6, but he has also chosen not to file any reply affidavit.

2. On hearing the learned Counsel Mr. Kamat representing the Petitioner and on perusal of the Petition, we find that a demolition notice was issued on 27.10.2020 to Uttam Raikar, the notice being

issued on complaints received from Kamlakar Maliar and Chandrakant Prabhu, alleging that an illegal construction is carried out in the property of the Complainants i.e. in Survey No. 316/1 of village Loliem, Taluka Canacona, and this notice referred to a structure with mangalore tiles, admeasuring 121.05 square metres in form of pacca construction with RCC slab and the Secretary of the Village Panchayat directed the Noticee to demolish the illegal structure within 15 days, failing which, it contemplated necessary action under the Panchayat Raj Act.

We are informed that Uttam Raikar, approached the Deputy Collector and SDO, Canacona, seeking regularization of the unauthorized structure under the Goa Regularization of Unauthorized Construction Act, 2016 and in the said proceedings, an objection was filed by the Petitioner. Upon considering the grievance qua the objection raised on the Application for regularization filed by Mr. Uttam Raikar, was allowed, and the objection filed by the Petitioner was rejected. The Applicant was directed to pay the necessary fees as per the Regularization Act, 2016, for an area of 121.71 square metres.

3. After this order was passed, the Petitioner preferred a complaint to GCZMA as well as the Deputy Collector and the Village Panchayat, along with the Block Development Officer of Canacona, alleging that the order for regularization is only in respect of 121 square metres. However, the actual structure constructed by Uttam Raikar is around 300 square metres. He would place reliance upon the inspection

carried out by the Architect, Yogesh Prabhugaonkar, who had prepared a plan of 300 square metres and therefore, a request was made to the Authorities to direct the demolition of the structure of 179 square metres, as what is regularized is only part of the said structure, being 121 square metres, against which also, an Appeal is filed by the Petitioner to the State Government.

4. On hearing Mr. Kamat, the learned Counsel for the Petitioner, we find that all the while the proceedings against Mr. Uttam Raikar were on the basis of 121.05 square metres being shown to be the illegal structure and the Petitioner on the basis of a private report of a private Surveyor has drawn a sketch map indicating that the illegal structure runs far beyond 121.05 square metres, and even if assuming for a moment that this area is permitted to be regularized, the balance structure has to be demolished.

Since we find the pleadings in the Petition as well as the complaints made by the Petitioner not specific to the extent of 300 square metre being described as alleged illegal construction, we permit the Petitioner to make representation to Respondent No. 1, Village Panchayat of Loliem, Respondent No. 4, the Deputy Collector of Canacona and Respondent No. 6, GCZMA, raising its grievance in respect to the excess area, which is not even regularized and still continue to stand as an illegal structure in Survey No. 316 of Village Loliem, in which, the Petitioner has acquired some rights.

On such representation being made, the Authorities are directed to take cognizance of the same and communicate a decision to the Petitioner within a period of 12 weeks from the date of receipt of the representation.

The Petitioner is also at liberty to raise other issues before the Authorities, which are either raised, but not considered or even not raised in the Petition.

The Petition stands disposed of.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.