



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 165 OF 2024
WITH
MISC. CIVIL APPLICATION NO. 530 OF 2024 (F)
IN
WRIT PETITION NO. 165 OF 2024

AMUL PRAKASH MAINKAR ...PETITIONER
VERSUS
THE STATE OF GOA,
THR. THE CHIEF ,
SECRETARY AND 10 ORS. ...RESPONDENTS

Mr. Preetam Talaulikar, Advocate for the Petitioner.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent Nos. 1 to 3.

Mr. Gaurang Kerkar, Advocate for Respondent No. 5

Mr. Jitendra Supekar, Advocate for Respondent No. 9 to 11.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 11th June, 2025

P.C.

1. On 03.01.2024, the petitioner lodged a complaint with the Secretary Sarpanch of Village Panchayat Colvale against Mr. Dasharath Vishnu Bicholkar and his family members i.e. respondent nos. 5 to 11, alleging that they have started constructing illegal house, close to their existing house in the property bearing survey no. 358/1, without obtaining the requisite

permissions/licenses from the concerned authorities. It is also alleged that the property in which the house is being constructed, is a tenanted agricultural property, and since Mr. Dasharath Vishnu Bicholkar is the Sarpanch of Village Panchayat of Colvale, by exerting pressure upon the members of the Panchayat, without obtaining any necessary permissions, the construction is ongoing.

2. The learned counsel for the petitioner has insisted us to look at the photographs dated 03.01.2024, which reflect the stage of construction and time he approached this Court and preferred the complaint and he made a categorical statement that as on date the entire dwelling house has come up.

By inviting our attention to the prayer clause in the petition, he submits that he has prayed for consideration of his complaint dated 03.01.2024 and he seeks demolition of the said structure.

3. The respondent no. 9, Mr. Kalidas Bicholkar, has tendered his affidavit before us, wherein he has annexed the demolition order cum notice issued to him by invoking Sub-section (4) of Section 66 of the Goa Panchayat Raj Act, 1994.

The notice dated 04.03.2024 refers to a complaint by Mrs. Sita Vishnu Bicholkar, alleging that Mr. Kalidas Laxman Bicholkar has carried out illegal construction of residential house in property bearing survey no.358/1 at Colvale, Bardez-Goa.

A categorical statement is made in the affidavit that pursuant to demolition notice being issued, statutory appeal was preferred before the Director of Panchayat, and on 03.04.2025 stay is granted to the said demolition order dated 04.03.2024 and the proceedings before Director of Panchayat are pending for adjudication in Appeal bearing no. ADP/I/COLVALE/P.A.124/2024.

4. The grievance of the petitioner is that even he preferred a complaint against the alleged illegal construction of the private respondents but no cognizance thereof is taken.

5. We find no substance and merit in the said contentions as we have noted that the Village Panchayat has already issued a notice in respect of the construction of the residential house in property bearing survey no. 358/1 which is alleged to be constructed by respondent no. 9. Since the notice was addressed to him, alleging the structure as illegal, we do not intend to direct the Panchayat to

decide the representation/complaint of the petitioner, as it was the same grievance which was raised by Mrs. Sita Vishnu Bicholkar, pursuant to which the action under the Goa Panchayat Raj Act, 1994, has already been initiated.

The noticee had availed the statutory remedy and the Appellate Authority had granted a stay on the demolition, as a result, the order of demolition dated 04.03.2024 is not given effect to.

6. In our opinion, the complaint of the petitioner, which also alleged illegal construction on the subject property, as the Village Panchayat has already initiated an action against the said structure, merely on the ground that the action was not based on the complaint filed by the petitioner, is of no significance, as the end result of the complaint is initiation of action against erection of an illegal structure.

In the wake of the above, we deem it appropriate to dispose of the writ petition as we expect the Panchayat to follow up with the demolition notice, issued to the noticee, as per law.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.