



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 368 OF 2024

Nerry D' Sa

... Petitioner

Versus

1. State of Goa, Thr. Its Chief ...Respondents
Secretary & 5 Ors.

Mr. Dharmanand R. Vernekar, Advocate *for the
Petitioner.*

Mr. Pravin Faldessai, Additional Government Advocate
for the Respondent no. 1-State.

Mr. Nigel Da Costa Frias, Advocate *for the Respondent no.
2.*

Mr. Galileo Teles, Advocate *for Respondent no. 6.*

**CORAM: ALOK ARADHE, CJ. &
M. S. SONAK, J.**

DATE: 11th March, 2025

P.C.

1. Issue notice, returnable forthwith. With consent of the parties heard finally.

2. In this petition, the petitioner *inter alia* seeks a direction to respondent no. 2 to decide the complaint of the petitioner in a time bound manner and to restrain the respondent nos. 5 and 6 from

carrying out any further construction in the structure survey no. 40/1 of Village Talaulim, Tiswadi. The petitioner has also sought writ of mandamus to respondent no. 2 to execute the order of demolition passed by them against the illegal construction raised by respondent nos. 5 and 6.

3. The facts giving rise to the filing of this petition are that, according to the petitioner, respondent nos. 5 and 6 started illegal construction of the house without seeking any permission from any authority. The petitioner had submitted a complaint to Village Panchayat of Curca with regard to the illegal construction which was being carried out by respondent nos. 5 and 6. However, the complaint submitted by the petitioner failed to evoke any response whereupon the petitioner has filed the present Writ Petition.

4. It is not in dispute that during the pendency of the petition before this Court, the Village Panchayat of Curca had passed an order of demolition dated 16.07.2024. It is also not in dispute that aggrieved respondent nos. 5 and 6 have filed an appeal under Section 66 of the Goa Panchayat Raj Act, 1994, which is pending adjudication before the Appellate Authority.

5. In view of the aforesaid subsequent events which have transpired during the pending of the Writ Petition, learned Counsel for the parties

jointly submit that the Writ Petition be disposed of with a direction to the Appellate Authority to decide the appeal in a time bound manner.

6. In view of the aforesaid submissions and in the facts and circumstances of the case, the petition is disposed of with a direction to the Appellate Authority to decide the appeal preferred by the respondent nos. 5 and 6, after affording an opportunity of hearing to the parties by a speaking order within a period of three months from today.

7. It is clarified that this Court has not expressed any opinion on merits of the case. Accordingly, petition is disposed of.

M. S. SONAK, J.

CHIEF JUSTICE