



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 571 OF 2024

SABINA FERNANDES

.....Petitioner.

Versus

STATE OF GOA THR. THE CHIEF
SECRETARY AND 4 ORS.

.....Respondents.

Mr Galileo Teles, Advocate for the petitioner.

Mr Amogh Arlekar, Addl. Govt Advocate for respondent nos. 1, 2
and 3.

Mr Ryan Menezes, Advocate holding for Mr Zeller De Sousa,
Advocate for respondent no. 4.

Mr Suresh Babu and Ms Seeja K. S. Advocate for respondent no.5

**WITH
WRIT PETITION NO. 1635 OF 2025-FILING**

ANTHONY FURTADO.

.....Petitioner.

Versus

STATE OF GOA THR. THE CHIEF
SECRETARY

.....Respondents.

Mr Suresh Babu and Ms Seeja K. S. Advocate for the petitioner.

Ms Sulekha Kamat, Addl. Govt Advocate for respondent nos. 1, 2
and 3.

Mr Ryan Menezes, Advocate holding for Mr Zeller De Sousa,
Advocate for respondent no. 4.

Mr Galileo Teles, Advocate for respondent no.5.

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

Date: 5th August 2025.

P.C.

1. Writ Petition No.571/2024 filed by the petitioner-Mrs Sabina Fernandes, resident of House no.19, St. Jacinto Island Chicalim, Mormugao Goa, sought a relief against alleged illegal construction by Mr Anthony Furtado resident of House no.32/A, St. Jacinto Island Chicalim, Mormugao Goa, and a direction was sought to the respondents authority to initiate action of demolition against the construction carried out by him.

The petition was based on a pleading that an illegal construction is been erected and a specific relief was prayed that the panchayat shall not permit any encroachment on the access road.

2. The demolition order dated 18.2.2023 passed against Mr Anthony Furtado was challenged by him in Writ Petition No.1635/2025/F and therefore the two Writ Petitions were tagged together.

3. We are informed by Mr Teles, learned counsel appearing for Mrs Sabina Fernandes that Mr Anthony Furtado has filed an appeal before the Additional Director of Panchayat-II South, Margao Goa, under Section 67(7) of the Goa Panchayat Raj Act 1994, raising a challenge to the demolition order passed by the village panchayat. By a judgment delivered on 22.7.2025, the said appeal is allowed and the order of demolition dated 18.2.2023 is quashed and set aside on the ground of procedural lapses and delay.

4. Our attention is invited to the specific observations in the order to the effect that since no opportunity was afforded to the appellant on the point of the alleged construction, the order cannot be sustained as he could not defend the action initiated by the village panchayat.

Matter is remanded back to the village panchayat for fresh disposal by specifically clarifying that it shall follow the prescribed procedure laid down under the Act, Rules and the Administrative constructions issued for dealing with the illegal construction shall ensure compliance of principles of natural justice. The judgment is placed before us through a memorandum by learned counsel representing Mr Furtado.

5. In the wake of the aforesaid development, we deem it appropriate to dispose of both the writ petitions, with the direction that the parties shall subject themselves to the order passed by the Additional Director of Panchayat-II as the matter is now remanded to village panchayat and the respective stand of the parties shall be determined afresh by the village panchayat, by following the principles of natural justice and this according to us should draw the curtains on the proceedings pending before us, containing counter allegations levelled against each other.
6. With the aforesaid directions, we dispose of Writ Petitions.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.