



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.237 OF 2025

PURSO BHIKARAO DHULAPKAR
AND ANR.

... Petitioners.

V e r s u s

GORAKHNATH
KERKAR AND 7 ORS.

SURESH
.... Respondents.

Mr Newton Teles and Mr Avdhut Govekar, Mr Shubham Chandekar, Mr Joseph Deva, Advocates for the petitioners.

Mr. S. P.Munj, Addl. Govt. Advocate for respondent nos. 4,5 and 7.

Mr R. Chodankar, Advocate for respondent nos. 1 and 2.

Mr Dinesh Naik and Ms S. Arabekar, Advocate for respondent no.8

Mr Somnath Karpe and Ms Siddhi Parodkar, Advocates for respondent no. 6.

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

Date: 30th July 2025.

P.C.

1. Petitioner seeks relief of disqualification of the respondent nos.1 and 2 under the Goa Panchayat Raj Act, 1994.

2. When we heard learned counsel for the petitioner on the previous date i.e. 9.7.2025, an objection was raised about an alternative remedy being provided in the wake of Section 12 sub Section 1 wherein clause (d) was also included to provide a remedy to Block Development Officer.

The learned counsel for the respondent placed before us an order passed by the Division Bench of this Court in Writ Petition No.1164 of 2018, when a similar objection was raised in respect of the member of the village panchayat of Chicalim, who according to the petitioner had incurred disqualification under clause(d) of section 12(1) r/w Section 55(4) of the Panchayat Raj Act 1994.

Taking note of the Goa Pachayat Raj (Amended) Act 2021, which amended Section 12(1) to include clause (d), the petitioner was relegated to the Block Division Officer. In paragraph 7 the Division Bench held thus:-

“Accordingly, this petition is disposed of by directing the Block Development Officer to decide the issue of disqualification of respondent no.1 under Section 12(1)(d) r/w. Section 55(4) of the said Act. The pleadings in this writ petition should be treated as pleadings before the Block Development Officer. Similarly, the Commissioner's report, i.e. the evidence led before the Commissioner should be treated as evidence led before the Block

Development Officer. The Block Development Officer should dispose of the matter as expeditiously as possible and in any case not later than 15.05.2022.”

3. On being confronted with the aforesaid objection, though the learned counsel for the petitioner made a feeble attempt to press into service the decision of the Apex Court in the case of ***Whirlpool Corporation Vs Registrar of Trademarks, AIR 1999 SC 22***, which has pronounced upon the availability of alternative and efficacious remedy and has laid down a proposition that alternate remedy would not debar the exercise of writ jurisdiction under Article 226 of the Constitution of India, since no exceptional case is made out before us to point out that the remedy in form of an appeal under Section 12(1) is not an efficacious remedy, we turn down the said objection.

In the wake of the aforesaid the learned counsel states that by issuing directions similar to the one which was issued by this court in Writ Petition No.1164/2018, he shall approach the Block Development Officer.

4. Hence, we permit the petitioner to file appropriate pleadings on the same lines in the present petition, and upon the petition so filed, the Block Development Officer shall decide the

same as expeditiously as possible in any case not later than eight weeks.

Needless to state that Block Development Officer shall follow requisite procedure necessary for adjudicating the said dispute.

5. In the wake of the aforesaid, Writ Petition and pending Civil Application stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.