

*Esha***IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 748 OF 2023**

Narayan Ganesh Gadekar, S/o Ganesh
Gadekar, 57 years of age, R/o H. No.
302, Nigal Amere-Porascadem, Pernem,
North Goa, Goa.

... PETITIONER

Versus

1. State of Goa, Through its
Secretary, having office at
Secretariat, Porvorim, North Goa,
Goa.
2. The Secretary, Village Panchayat
of Amberem, Porascadem,
Pernem-Goa.
3. Mamlatdar of Pernem Taluka,
Pernem, North Goa, Goa.
4. Deputy Collector of Pernem,
Pernem Taluka, North Goa, Goa.
5. Collector of North Goa, Panaji,
North Goa, Goa.
6. The Block Development Officer,
Pernem, North Goa, Goa.
7. The Director of Panchayat, Patto,
Panaji, North Goa, Goa.
8. Dy. Town Planner, Town and
Country Planning Officer, Pernem,
North Goa, Goa.
9. Parvati Sagun Gadekar, w/o late
Sagun Kashinath Gadekar, major
of age, R/o Nigal, Pernem, North
Goa, Goa.

... RESPONDENTS

Mr. Bhavesh Lotlikar, Advocate for the Petitioner.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent Nos. 1 and 3 to 8.

Mr. Ganesh Naik, Advocate for Respondent No. 2.

Ms. Gautami Kamat, Advocate under Legal Aid Scheme for Respondent No. 9.

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

DATED: 11th MARCH 2025

ORAL JUDGMENT: (per M.S. SONAK, J.)

1. Heard learned Counsel for the parties.
2. Rule. The Rule is made returnable immediately at the request and with the consent of the learned Counsel for the parties.
3. The Petitioner has complained about the illegal construction carried out by the ninth Respondent in a tenanted agricultural property. The inaction on the part of the statutory authority aggrieves the Petitioner.
4. Learned Additional Government Advocate, based on instructions, states that the Deputy Collector of Pernem has already initiated the following proceedings: -
 - (I) DCP/LRC/ILL-CONV/8-70/23
 - (II) DCP/LRC/ILL-CONV/8-71/23
 - (III) DCP/LRC/ILL-CONV/8-72/23

5. The learned AGA states that the above proceedings will be disposed of expeditiously and within the timeline this Court could indicate. Accordingly, we direct the Deputy Collector of Pernem to dispose of the above proceedings as expeditiously as possible and in any event, within four months from today after due compliance with the principles of natural justice and the prescribed procedures.

6. Similarly, learned Counsel appearing for the Panchayat (Respondent No. 2) states that a demolition order was issued against the construction carried out by the ninth Respondent. However, the ninth Respondent has appealed the demolition order before the Additional Director of Panchayats and has secured ad-interim ex-parte stay.

7. Ms. Gautami Kamat, who appears for the ninth Respondent under Legal Aid, states that the ninth Respondent has filed an Appeal bearing No. ADP-I/Khajne-Amere-Pora/P.A.95/2024 and has secured a stay order. She submits that it is incorrect to say that the statutory authority has not acted.

8. Learned Counsel for the Petitioner submits that some directions be issued to the Appellate Authority to dispose of the Appeal instituted by the ninth Respondent. He says the Petitioner filed an intervention Application before the learned Additional

Director of Panchayats. He submits that directions may also be issued to allow the same.

9. The record shows that based on the Petitioner's complaint, the authorities, including the Panchayat, have taken action. Given these peculiar facts, we think that the Petitioner's intervention should be allowed. Otherwise, the Petitioner will challenge the orders of the Appellate Authority if he is not satisfied with them, leading to a multiplicity of proceedings.

10. Accordingly, the Appellate Authority is directed to allow the Petitioner's intervention in appeal bearing No. ADP-I/Khajne-Amere-Pora/P.A.95/2024 instituted by the ninth Respondent. The Petitioner must also be heard in such appeal.

11. The Additional Director of Panchayats is directed to dispose of the above Appeal as expeditiously as possible and, in any event, within four months from today after hearing all the parties, including the present Petitioner, whose intervention is now allowed.

12. We have not examined the merits of the rival contentions, and therefore, all contentions of all parties on merits are left open to be decided by the Deputy Collector and the Additional Director of Panchayats in the respective Petitions pending before them.

13. The Petition is disposed of in the above terms.
14. All concerned must act on an authenticated copy of this order.

M. S. SONAK, J.

CHIEF JUSTICE