



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.363 OF 2025

RICARDO J. B. DE N E SOUSA

... PETITIONER

Versus

**STATE OF GOA THR ITS CHIEF
SECRETARY AND 3 ORS**

... RESPONDENTS

Mr Clayton Fonseca, Advocate for the petitioner.

Ms Sapna Mordekar, Additional Government Advocate for
respondent Nos.1 and 2.

Mr Nilay Naik holding for Mr Rohan Shirodkar, Advocate for
respondent No.4.

**CORAM:- BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED :- 22nd September, 2025

P.C.:

In our order dated 09.09.2025, we had summarised the grievance of the petitioner about the lack of jurisdiction in the Additional Director of Panchayats while passing the impugned order dated 17.07.2025 in the proceedings No.ADP-I/Guirim/P. A. 247/2025/5410, while issuing notice and granting ex-parte stay to the impugned notice of the inspection issued on 14.07.2025. Pursuant to notice being issued, we have the appearance of Ms Mordekar on behalf of respondent Nos.1 and 2 whereas the learned counsel Mr Nilay Naik has instructions to represent respondent No.4.

On perusal of the scheme contained in Section 66 of the Goa Panchayat Raj Act, 1994, there is a provision of an appeal in sub-section (7) which permit an appeal to be preferred to the Director, from any order or direction or notice issued under any of the provisions of the Section with finality being attached to the decision taken by the Director. Admittedly, notice to which the stay is granted is under Section 82 and not a notice issued under any of the provisions of Section 66 as it contemplate the situation wherein building is erected, added to or reconstructed without the permission or it may contrary to the rules, prescribed under sub- section (1) or any of the conditions imposed subject to which permission is granted, it is open for the Panchayat to take appropriate steps including issuance of notice so that the building, alteration or addition to be altered or demolished is carried out.

The impugned notice, which is challenged by the respondent No.4 before the Appellate Authority, is not a notice under Section 66 but it is a notice under Section 82 of the Goa Panchayat Raj Act, which is a notice of merely allowing an entry for the purpose of carrying out an inspection and it is not open for the Additional Director of Panchayats to stay the said proceedings.

In the wake of the aforesaid scenario, since it applies to the facts of the case, particularly the impugned order and since the order has been sustained as the Additional Director of Panchayats

being Appellate Authority is expected to act within the framework of the statute, we quash and set aside the impugned order dated 17.07.2025 but needless to state that the proceedings before the Additional Director of Panchayats shall continue and further steps shall be taken strictly in accordance with law.

Needless to state that pursuant to the notice being issued on 14.07.2025 for carrying out inspection, the Panchayat is at liberty to act on the said notice.

The writ petition is disposed of.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.