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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.713 OF 2024

SHREE MAHALAXMI SAUNSTHAN,
REP. BY ITS ATTORNEY,
HARSHVARDHAN BHATKULY ... Petitioner.

Versus

DURVAS VINAYAK DURBHATKAR
AND ANR. ... Respondents.

Mr. J.P. Mulgaonkar, Senior Advocate with Ms. Shweta Parulekar, Advocate for the Petitioner.

Mr. Abhay Nachinolkar, Advocate for Respondent No.1.

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

CORAM: VALMIKI MENEZES, J.

DATED: 11th July, 2025

P.C:

1. This is a petition challenging the revisional order of the District Court passed under Section 201-B of the Panchayat Raj Act. The District Court has dismissed the Petitioner's revision application and confirmed the order of the Director of Panchayats passed under Section 66(7) of the Act. The Director of Panchayats, by the order which is confirmed dated 08.11.2023 has directed the concerned Village Panchayat of Bandora to grant the Respondent No.1 a

construction licence, in terms of the Panchayat Resolution dated 31.03.2018, under which the Panchayat, pursuant to technical approvals granted by the Town Planning Department, had resolved to issue a construction licence in favour of the Respondent No.1.

2. The main contention raised in the petition is that the Director of Panchayats, in terms of Sub-Section 7 of Section 66, on concluding that the revocation of the licence by the Panchayat on 13.04.2018 was without following the principles of natural justice, ought to have remanded the matter back to the panchayat to reconsider the complaint of the Petitioner after giving the Respondent No.1 a hearing.

3. Looking at the chequered history of the matter, after the technical approvals were received by the Respondent No.1, the Panchayat had in fact passed a resolution on 31.03.2018 to grant a construction licence to the project of Respondent No.1. The Petitioner appears to have raised a claim over the property under Survey No.11/8 of Village Bandora which belongs to the Respondent No.1 proposing to erect construction for which technical licence was obtained. This claim of the Petitioner has never been agitated before the Civil Court but was only claimed by virtue of certain complaints made to the Panchayat. On a complaint of the Petitioner, the Panchayat passed a resolution on 13.04.2018 deciding not to grant the licence earlier granted by its resolution dated 31.03.2018, without

hearing the Respondent No.1. In the meantime, the concerned Town Planning Minister by letter dated 02.07.2018 directed the Town Planning Department to revoke the technical approvals granted, which were in fact revoked and then challenged before this Court which quashed and set aside the direction of the concerned Minister dated 02.07.2018. Consequently, the technical stood restored.

4. Thereafter, the Petitioner has opposed the appeal filed by the Respondent No.1 before the Director of Panchayats (DOP), again claiming that it had a right to the property, however, even as of today, no civil suit has been filed to substantiate such claim. The DOP allowed the appeal quashing the impugned resolution and directed the Panchayat to grant the licence for construction. The jurisdiction under Sub-Section 7 of Section 66 is correctly exercised by the DOP as this is not a case that requires remand but this was an appeal filed by the Respondent No.1 to quash the resolution dated 13.04.2018 and to grant the licence in pursuance of the resolution of 31.03.2018. There was, therefore, no cause for remanding the matter, since the resolution for grant of licence had already been passed.

5. The Revisional Court has given detailed findings on this question and has confirmed all the findings of the DOP. There are, therefore, concurrent findings of two Authorities to which no perversity can be attached either in the procedure followed or the basis on which the orders are passed.

6. For these reasons, there is no case made out for interference in the writ jurisdiction of this Court under Article 227.

7. Petition is, therefore, rejected.

VALMIKI MENEZES, J.