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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.69 OF 2025

GUILHERMINA FERNANDES AND ANR	... PETITIONERS
Versus	
THE SECRETARY/SARPANCH, VILLAGE PANCHAYAT OF ANJUNA CAISUA	... RESPONDENTS

Mr. Vibhav Amonkar with Mr. Raj Chodankar, Advocates for the Petitioners.

Mr. P. A. Kamat, Advocate for Respondent No.1.

Mr. Vinod Korgaonkar, Advocate for Respondent No.2.

CORAM:- DR. NEELA GOKHALE, J.

DATED :- 6th April, 2026

P.C.:

1. The Petitioner, by way of this petition, seeks to quash and set aside the impugned stop work notice dated 25th October, 2024.

2. Heard Mr. Vibhav Amonkar, learned Counsel appearing for the Petitioners, Mr. P. A. Kamat, learned Counsel appearing for Respondent No.1 and Mr. Vinod Korgaonkar, learned Counsel appearing for Respondent No.2.

3. It appears that on 6th December, 2023, the Petitioner had applied for technical clearance from the office of the Senior Town Planner. Pursuant to the said technical clearance order, the Village Panchayat of

Anjuna-Cassua, Bardez, Goa, had also issued a construction licence dated 29th September, 2024 in favour of the Petitioner, permitting the reconstruction of the Petitioner's house. The Petitioner had immediately paid the necessary fees as per the directions of the Village Panchayat. The Petitioners, have thereafter, commenced the reconstruction of their house. Within one month of the technical clearance as well as the construction licence having been granted to the Petitioners, the Village Panchayat issued a stop-work notice under the provisions of Section 64(1)(j) of the Goa Panchayat Raj Act of 1994. It appears that the said stop-work notice was issued for the reason that it appeared to the Village Panchayat, on a complaint made by the Respondent No.2, that the construction was blocking the easementary way of the Respondent No.2 pertaining to the Respondent No.2's access to her own property.

4. Mr. Amonkar submits that while the construction licence was granted, the Respondent No.2 instituted a suit before the Civil Court seeking similar reliefs to restrain the Petitioners from reconstructing their own house, as the said construction was blocking the easementary right of the Respondent No.2 in having access to her own property. There was an application seeking interim relief made by the Respondent No.2 in the said suit. The interim injunction application was rejected by order dated 8th April, 2025. Mr. V. Korgaonkar, appearing for Respondent No.2, submits that she has preferred an appeal against the said order refusing interim injunction. The matter

stands at this stage.

5. Be that as it may, Mr. Kamat submits that after the injunction application was rejected, the Village Panchayat has passed a resolution dated 16th September, 2025, directing the Petitioners to maintain 3 metres access to be availed by the Respondent No.2 to her own property, failing which the stop work order shall continue.

6. Mr. Kamat further states that there is an appellate remedy available to the Petitioners before the Director of Panchayats under the Act.

7. In view of the aforesaid, I deem it appropriate to grant permission to the Petitioners to withdraw the present petition with liberty to approach the Appellate Forum concerned, i.e. the Director of Panchayats, with their grievance in relation to the stop work notice as well as the resolution passed by the Village Panchayat. The Petitioners are at liberty also to make an application seeking appointment of a Commissioner to survey the said property and report as to whether there is any alternate access to the property of the Respondent No.1 apart from the access claimed by the Respondent No.2 in the construction being done by the Petitioners. If such an application is made before the Director of Panchayats, the Director of Panchayats is requested to consider the same favourably. In any case, since the petition is pending before this Court since 2025, the Director of

Panchayats is requested to expedite the hearing of the appeal preferred before him by the Petitioners and decide the same expeditiously and preferably within a period of two months from the date from which such application is made by the Petitioners.

8. Writ Petition is accordingly disposed as withdrawn.

9. Needless to state that all contentions of all parties are left open to be agitated before the Director of Panchayats.

DR. NEELA GOKHALE, J.