

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-320-2020

Shamsunder V. Kerkar

... **Petitioner**

Versus

State of Goa and Ors.

... **Respondents**

Mr. L. Raghunandan, Advocate for the Petitioner.

Ms. Ankita Kamat, Additional Government Advocate for the Respondents No.1 to 3.

Coram : M. S. SONAK &
M. S. JAWALKAR, JJ

Date: 03rd November, 2020

P.C.

Heard Mr. L. Raghunandan, the learned Counsel for the petitioner. Ms. Ankita Kamat, the learned Additional Government Advocate appears for respondents No.1 to 3.

2. Mr. Raghunandan points out that there is already a demolition order with regard to the construction by the respondents No.5 and 6. He submits that the respondents No.5 and 6 have instituted an appeal before the Director of Panchayat. Though no interim relief as such was granted, the Panchayat, made a statement that the demolition will not be carried out until the disposal of the

appeal. Mr. Raghunandan now points out that the respondents No.5 and 6 have commenced yet another construction in addition to the construction which is ordered to be demolished. He also points out to the photographs of the upcoming construction. He submits that even the Panchayat have confirmed that it has not issued any permissions for such construction.

3. Accordingly, we issue notices to the respondents No.4, 5 and 6 returnable on 23.11.2020. Until the returnable date, we restrain the respondents no.5 and 6 from proceeding with the construction. The Secretary of the Village Panchayat will have to visit the site immediately and prepare a report as to the status of the construction. The Secretary, to also inform the respondents No.5 and 6 about this stay order and ensure that no further construction takes place at the site until the returnable date.

4. Mr. Raghunandan states that the petitioner will take immediate steps to serve the petition as well as the copy of this order upon the respondents.

5. Ms. Ankita Kamat, the learned Additional Government Advocate to also take instructions as to the timeline within which the appeal instituted by the respondents No.5 and 6 will be disposed of by the Director of Panchayat.

6. Parties are put to notice that this Court may be inclined to dispose of this petition finally at the stage of admission. Therefore, if any of the respondents wish to file any replies, they may do so by serving advance copies upon the learned Counsel for the petitioner.

7. Stand over to 23.11.2020.

M. S. JAWALKAR, J.

M. S. SONAK, J.

msr