

**IN THE HIGH COURT OF BOMBAY AT GOA****LD-VC-CW-374-2020**

Suresh Karapurkar .... Petitioner  
Versus  
State of Goa & Others .... Respondents

\*\*\*

Mr. Tanmai Gawas, Advocate for the Petitioner.

Mr. Manish Salkar, Government Advocate for Respondent Nos. 1 and 2.

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

**Date:- 7<sup>th</sup> December, 2020**

P.C.

Heard Mr. Gawas, the learned Counsel for the petitioner. Mr. Salkar, the learned Government Advocate appears for respondent nos. 1 and 2.

2. For the order which we propose to now make, it is not necessary to issue notices to respondent nos. 3, 4 and 5.

3. The grievance of the petitioner is that his complaints about the construction activity undertaken by respondent nos. 4 and 5 are not been attended to by the Town and Country Planning (TCP) Department and the Village Panchayat of Chimbhel.

4. Mr. Salkar, the learned Government Advocate states that the petitioner's complaints will be attended to and disposed of in accordance with law as expeditiously as possible and in any case, within a period of four weeks from today.

5. According to us, the TCP should depute some personnel to inspect the site and to ascertain whether the allegations made in the complaints are correct and to ascertain whether any case is made out for issuance of stop work order. Similarly, the Panchayat could also look into the complaint of the petitioner, if necessary, by deputing the necessary personnel for inspecting the site. If the Authorities are satisfied that the construction works undertaken by respondent nos. 4 and 5 are not authorised, then, the Panchayat to also consider issuing of stop work order. The Panchayat should also dispose of the petitioner's complaint in accordance with law and on its own merits as expeditiously as possible and in case, within a period of four weeks from today.

6. The reason why we have not issued any notices to respondent nos. 4 and 5 is that because we are sure that the

TCP as well as the Panchayat will comply with principles of natural justice and if, any case is made out by the petitioner, then, it will afford suitable opportunity to the respondent nos. 4 and 5 in this matter.

7. With the aforesaid directions, this Petition is disposed off.

8. We, however, clarify that we have not gone into the merits of the complaints made by the petitioner and therefore, it is for the TCP Authority and the Panchayat to go into such issues and dispose of the petitioner's complaints on their own merits and in accordance with law.

9. All concerned, including in particular, the Village Panchayat of Chimbel to act on the basis of an authenticated copy of this Order.

**M.S. JAWALKAR, J.**

**M.S. SONAK, J.**