

IN THE HIGH COURT OF BOMBAY AT GOA

**STM 1152-2020**

**with**

**LD-VC-OCW-185-2020**

**IN**

**STM 1152-2020**

Shaun Nicholas Lobo ... Petitioner

Versus

Village Panchayat of Calangute & Ors. ... Respondents

Mr. A. D. Bhohe, Advocate for the petitioner.

Mr. Pankaj Vernekar, Advocate for Respondent No.1.

Mr. H. D. Naik, Advocate for Respondent No.2.

Mr. M. Salkar, Government Advocate for Respondent Nos.3, 4  
and 5.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. S. Karpe,  
Advocate for Respondent No.6.

**CORAM : M.S. SONAK &**

**SMT. M.S. JAWALKAR, JJ.**

**DATE : 25<sup>TH</sup> NOVEMBER,2020.**

**P. C.:**

Heard Mr. A.D. Bhohe, learned Advocate for the Applicant, Mr. Pankaj Vernekar, learned Advocate for Respondent No.1-Panchayat Mr. H. D. Naik, learned Advocate for Respondent No.2- NGPDA Mr. M. Salkar, learned Government Advocate for Respondent Nos.3, 4 and 5 and Mr. J.E. Coelho Pereira, learned Senior Advocate with Mr. S. Karpe, learned Advocate for Respondent Nos.6a to 6c.

2. At the request of the learned Counsel for the parties, we take the main petition on board for final disposal.

3. The relief applied for by the petitioner in this petition is for a writ of mandamus to direct the respondent Nos.1 to 5 to act on the basis of the petitioner's complaints dated 21/09/2019 and 29/11/2019 [Annexure D and G colly] and to initiate action against certain alleged illegalities indulged into by the respondent Nos.6a, 6b and 6c.

4. Mr. H.D. Naik, learned Advocate for the NGPDA points out that no complaint as such has been made to NGPDA but the NGPDA would abide by treating this petition as a complaint and

dispose of the same in accordance with law within a period of eight weeks from today.

5. The complaint has been made to the respondent No.1-Panchayat and respondent No.4 i.e. the Director of Fire Services. According to us, even this complaint will have to be looked into and in any case disposed of in accordance with law as expeditiously as possible and in any case within a period of eight weeks from today.

6. Mr. Pereira, learned Senior Advocate on behalf of respondent Nos.6a to 6c submits that there are no illegalities involved in the activities undertaken by the respondents whom he represents. However, he submits that without prejudice, the respondent Nos.6a to 6c will not operate or undertake any activities from the premises in question until the authorities dispose the petitioner's complaints within the stipulated period of eight weeks from today. This statement is made on the basis of the instructions by the respondent no.6(c) who is present in the office of the learned Senior Counsel. The statement is accepted and the respondent Nos.6a to 6c are directed to act accordingly.

7. Similarly, Respondent Nos.1, 2 and 4 are also directed to dispose of the petitioner's complaints in accordance with law and on their own merits. Needless to add that the said respondents will comply with the principles of natural justice and fair play so that, there is no complaint of any failure of natural justice in the matter of this nature. Now that there is a statement made on the instructions of the respondent Nos.6a to 6c that they will not undertake any activities in the basement premises which are the subject matter of this petition, it is imperative that the authorities dispose of the complaints one way or other, as expeditiously as possible, and in any case within a period of eight weeks from today.

8. The Senior Counsel appearing for the respondent Nos.6a to 6c also submits that the respondents he is representing will cooperate with the authorities in the matter of inspection of the premises.

9. It is clarified that this Court has not gone into the rival contentions on merits as, according to us, it will be for the authorities, in the first instance, to look into all such matters and

dispose of the complaints in accordance with law. Accordingly, all the contentions of all parties are expressly left open.

10. If any adverse action is proposed, the authorities will have to comply principles of natural justice. This would include affording hearing to the petitioner/ complainant as well as the respondent Nos.6a to 6c.

11. This petition is disposed of in the aforesaid terms. There shall be no order as to costs. The MCA taken out in this petition is also disposed of in view of the statement made on behalf of the respondent Nos.6a to 6c.

12. All concerned to act on the basis of the authenticated copy of this order.

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

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