

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 50 OF 2020

Lyanne De Costa

..... Petitioner

*V e r s u s*

Village Panchayat, Chimbhel & Ors.

..... Respondents

Mr. Jatin Ramaiya, Advocate under Legal Aid Scheme for the Petitioner.

Mr. Dinesh Naik, Advocate for the Respondent no.1.

Mr. D. Pangam, Advocate General with Mr. G. Shetye, Additional Government Advocate for the Respondent nos. 2, 3 and 4.

Mr. Nilesh Takker, Advocate for the Respondent nos.5 and 6.

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

Date : 06<sup>th</sup> October, 2020

P.C.

1. Heard Mr. Jatin Ramaiya, learned Counsel for the petitioner, Mr. D. Pangam, learned Advocate General for the respondent nos.2, 3 and 4, Mr. Dinesh Naik, learned Counsel for the respondent no.1, i.e. the Village

Panchayat of Chimbhel and Mr. Nilesh Takker, learned Counsel for the respondent nos. 5 and 6.

2. According to us, the grievances raised by the petitioner, to a certain extent, are disputed questions of facts. Further, the petitioner has already availed the alternate and efficacious remedy available before the Deputy Panchayat i.e. the respondent no.2, herein.

3. Mr. Jatin Ramaiya, learned Counsel, however pointed out that the matter before the Deputy Director of Panchayats, is not proceeding. This is possible on account of the present pandemic situation.

4. However, from our suggestions, the learned Counsel for the petitioner as well as learned Counsel for the respondent nos. 1, 5 and 6, have agreed to file written submissions before the Deputy Director so that the Deputy Director is in a position to dispose off the proceedings on the basis of such written submissions. Accordingly, the petitioner to first file written submissions within 15 days from today before the Deputy Director and serve the copies of the same upon the learned Counsel appearing for the

respondent nos.1, 5 and 6. Upon receipt of such written submissions, the said respondents i.e. respondent nos.1, 5 and 6 to also file their written submissions within 15 days

**5.** If the Deputy Director feels that it is necessary, he may also go and inspect the site in question after giving prior intimation to the parties.

**6.** The Deputy Director to endeavour to dispose off the proceedings within a period of one month from the date of receipt of written submissions, in any case, within a period of maximum six weeks from the date of receipt of such written submissions. The Deputy Director to communicate the decision to the concerned parties.

**7.** We dispose off the petition by clarifying that we ourselves have not gone into the merits of the rival contentions and, therefore, it will be on the Deputy Director to possibly dispose off the matter on its own merits and in accordance with law.

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

M. S. JAWALKAR

M. S. SONAK, J.

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