

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-86-2020

Shekhar Sukhtanker **Petitioner**

Versus

State of Goa and ors., **Respondents**

Shri Shivan Desai, Advocate for the Petitioner.

Shri Devidas J. Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for Respondent No.1.

Mr. Sahish Mahambrey, Advocate for the Respondent No.2.

**Coram: M. S. SONAK ,
SMT. M. S. JAWALKAR, JJ.**

Date : 14th July, 2020.

P. C.:

Heard Shri Shivan Desai, learned Advocate for the Petitioner, Shri Devidas J. Pangam, learned Advocate General with Ms. Maria Correia, Additional Government Advocate for Respondent No.1 and Shri Sahish Mahambrey, Advocate for the Respondent No.2.

2. Although, the Respondent No.3 is not served in this matter, for the order we are proceeding to make it is really not necessary to notice the Respondent No.3.

3. The petition impugns Order dated 20.03.2020 made by the Block Development Officer. As against such an Order, the Petitioner, has alternate and efficacious remedy available before the Deputy Director of Panchayat.

4. Shri Mahambrey, learned Counsel for the Panchayat submits that if such revision is indeed initiated by the Petitioner, the Panchayat will not raise the issue of limitation. Even otherwise we are satisfied that the Deputy Director has sufficient powers to condone delay taking into consideration the *COVID-19* situation prevalent in the State of Goa. We understand that there are certain general directions issued by the Hon'ble Apex Court in relation to the extension of limitation period. Be that as it may, we accept the statement of Mr. Desai that the Petitioner will institute the revision before the Deputy Director of Panchayat at the earliest. Taking into consideration the fact that the Occupancy Certificate in respect of the construction put up by the Petitioner has been withheld for almost an year, some directions are necessary to the Deputy Director of Panchayat to dispose of the revision petition expeditiously.

5. The learned Advocate General quite graciously makes a statement that the Deputy Director of Panchayat will dispose of the revision petition within a period of two weeks from the date of service of notices upon the Respondents to such revision petition. This statement is accepted and the Deputy Director of Panchayat is directed to act accordingly.

6. Mr. Desai, learned Counsel for the Petitioner states that to the revision petition, the Respondent No.3 will be impleaded as a party, so that, even the Respondent No.3 is not deprived of the opportunity of a hearing in the matter.
7. All contentions of all the parties on merits are obviously kept open, since this Court has not examined the rival contentions on merits.
8. The Petition is disposed of with the aforesaid directions.
9. There shall be no order as to costs.
10. All concerned to act on the basis of authenticated copy of this Order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

msr.