

***IN THE HIGH COURT OF BOMBAY AT GOA***

**LD-VC-CW-18-2020**

HARSH VARDHAN LAL

.... **Petitioner**

*Versus*

STATE OF GOA & ANR.,

.... **Respondents.**

Mr. Shivan Desai with Mr. A. Sardesai, Advocates for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with Ms. Maria S. J. Correia, Additional Government Advocate for the Respondents.

**Coram : M. S. SONAK**

**Date : 19<sup>th</sup> May, 2020.**

***P. C.:***

Heard Mr. Desai, learned Counsel for the Petitioner, learned Advocate General appears for the Respondent no. 1.

2. The reliefs sought in this Petition are mainly against the Respondent no. 2. Despite insistence, no ex-parte reliefs were granted to the Petitioner, even though Mr. Desai pointed out that Respondent no. 2 had been served with a private notice on

15.05.2020 at about 10:00AM. On the said date, notice was issued to Respondent no. 2 returnable on 19.05.2020.

3. Mr. Desai, on instructions, makes a statement that on 15.05.2020 at 04:30PM a fresh notice was served upon the Panchayat. He states that the Panchayat, instead of appearing in the Court today, increased the workforce to complete the works of alleged drain in the property of the Petitioner, simply, to create a situation of *fait accompli*. He says that works were carried out over the last 2-3 days and at the site, it appears that no further works are pending.

4. On 15.05.2020 as well, this Court waited upto 01:00PM to see if any representative of Respondent no. 2 appears. Today also, upon ascertainment, it is found that no representative of Respondent no. 2 is present.

5. In the circumstances, Respondent no. 2 is directed to maintain *status quo* insofar as any further constructions are concerned or for that matter the use of the drain which is now stated to be constructed, is concerned. The Panchayat, to file detailed affidavit in reply alongwith resolutions of the Panchayat on the basis of which this work was undertaken. The Panchayat to also explain the circumstances in which this work was undertaken even before the

expiry of the date specified in the show cause notice.

6. Since the Petitioner alleges that this work was at the behest of Saluzinho Fernandes, a Panch member, leave is granted to implead this person as Respondent no. 3 to this Petition. The newly impleaded Respondent is also granted leave to file affidavit in this matter in the context of allegations made against him.

7. Issue notice to the newly impleaded Respondent. The matter is now posted on 08.06.2020 by which date it is expected that the Sarpanch and/or the Secretary files affidavit in this matter.

8. Deliberately, substantial time is granted to the Respondent no. 2 to file affidavit. However, if for some reason such affidavit cannot be filed by 08.06.2020, then the Secretary to remain present with all the records, including resolutions, books and statements of expenditure in relation to the work in question on the next date.

9. Stand over to 08.06.2020.

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