

Amrut



**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 719 OF 2024**

PRATIMA LOTLECAR

... Petitioner

Versus

STATE OF GOA,

THR. ITS CHIEF SECRETARY AND ORS.

...Respondents

Mr S. N. Joshi and Ms Swapna Joshi, Advocates for the petitioner.

Mr S. Samant, Additional Government Advocate for respondent Nos. 1 to 3.

Mr S. Mesquita, Advocate for respondent No.4.

Mr R. Almeida, Advocate for respondent No.5.

CORAM:

**M. S. KARNIK &
NIVEDITA P. MEHTA, JJ**

DATED :

11th NOVEMBER 2024

P.C.:

1. Heard learned counsel for the parties.

2. It is after the orders dated 09.09.2024 and 08.10.2024 passed by this Court and upon the statement was made by learned counsel for respondent No.4 that the demolition squad is requisitioned and necessary action will be taken against the unauthorized construction within two weeks, that the respondent No.5 filed an appeal under Section 66(4) of the Goa Panchayat Raj Act before the Additional Director of Panchayats. By order dated

16.10.2024, the Additional Director of Panchayats has granted ex-parte stay to the impugned order dated 18.04.2023 (wrongly mentioned as 18.04.2024). We find from the order dated 18.04.2023 that no reason whatsoever howsoever brief is recorded while granting an ex-parte stay. In the facts and circumstances of the present case, we deem it appropriate to direct the Additional Director of Panchayats to hear the appeal itself finally within a period of 90 days from today as is the requirement of the Act.

3. Learned counsel for respondent No.5 submits that the petitioner will be impleaded as party respondent in the pending appeal and that he has no objection if the present petitioner is heard in the appeal. It is one of the contentions of the learned counsel for the petitioner that the Additional Director was not informed about the pendency of the present petition.

4. The petitioner as well as respondent No.5 to appear before the Additional Director of Panchayats on 14.11.2024 at 11.00 a.m. This order shall be placed before the Additional Director of Panchayats. The appeal to be heard on merits in accordance with law. The petitioner as well as respondent No.5 shall cooperate with the Director of Panchayats for expeditious disposal of the appeal and they shall not seek any unnecessary adjournments. All contentions are kept open. Learned counsel for respondent No.5

assured that the copy of the appeal along with all relevant exhibits filed before the Additional Director of Panchayats will be handed over to Mr Joshi, learned counsel for the petitioner on or before 12.11.2024. Keeping all contentions open, the petition is disposed of. No costs.

NIVEDITA P. MEHTA, J

M. S. KARNIK, J