

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 9/2024
IN
WRIT PETITION NO. 157/2022

ROSALINA DE SOUZA E LOBO ... PETITIONER.

Versus

KRITESH KORGAOKAR ERSTWHLE
SECRETARY OF VILLAGE PANCHAYAT
OF GUIRIM AND ANOTHER. ... RESPONDENTS

Mr Prasheen Lotlikar, Advocate for the Petitioner.
Mr A.D. Bhobe, Advocate for Respondent No.1.
Mr V. Sardesai, Addl. Govt. Advocate for the State.
Respondent No.2 in person.

CORAM : M.S. SONAK &
VALMIKI MENEZES, JJ.

DATED : 1st April 2024.

P.C. :

1. Heard Mr Lotlikar for the Petitioner, and Mr A.D. Bhobe for Respondent No.1. Mr Dinesh Chodankar-Respondent No.2 appears in person. This Petition alleges a contempt of our order dated 4/10/2022 in Writ Petition No. 157/2022.

2. By our order dated 4/10/2022, we directed the Panchayat to dispose of the Petitioner's complaint against some illegal construction put up by Amar Gadekar and Aneep Gadekar. This was because despite the Petitioner's complaint dated 8/2/2022, the Panchayat, which was duty-bound to act, was taking no action.

3. For almost three months, the Secretary of the Panchayat did not take action to bring the matter before the Panchayat. Therefore, the Petitioner addressed a communication dated 19/1/2023 to the First Respondent. Based on the same, a site inspection was carried out on 27/1/2023, and a show cause notice was issued on 8/2/2023 to Amar Gadekar and Anoop Gadekar for having carried out the illegal construction.

4. The matter was considered by the Panchayat on 16/2/2023, and curiously, the Panchayat, after concluding that the Gadekars put up the illegal construction, granted the Gadekars four weeks' time to regularise the illegal structure. The Panchayat was not justified in avoiding action against the illegal construction by granting four weeks' time to regularise.

5. Be that as it may, Gadekars secured no regularisation within four weeks. Therefore, at least post-16/3/2023, the Secretary/Respondent No.1 was duty-bound to initiate action for demolition.

6. However, between 16/3/2023 and 10/10/2023 (on which day Respondent No.1 was transferred to some other Panchayat), no action whatsoever was taken. The First Respondent did not even bother to inform the Petitioner about the status of his complaint.

7. In the reply filed by the First Respondent, there is no justification for this inaction. Mr Bhobe submitted that this was the first time the First Respondent failed to take action. Apart from the fact there is no explanation as to why the Petitioner's complaints were not attended to and why the Petitioner was forced to file the Petition, there is no explanation as to why this Court's orders were also not complied with for a considerable length of time.

8. In such circumstances, though we do not think that any case is made out to initiate any harsh action under the Contempt of Courts Act, we certainly feel that such inaction, which amounts to dereliction, should be noted in the confidential rolls of the First Respondent. Accordingly, we direct the Block Development Officer of Bardez to make an entry in the First Respondent's service records about the dereliction of duties despite the order of the Court and the Resolution of the Panchayat.

9. In so far as Dinesh Chodankar is concerned, he has filed an affidavit stating that he took over as the Secretary only on 10/10/2023. On 3/11/2023, the Petitioner addressed a second reminder to the

Secretary. Based upon the same, Dinesh Chodankar placed the matter before the Panchayat on 27/11/2023. This contempt petition was instituted on 5/1/2024, and by 7/2/2024, Dinesh Chodankar was transferred to another Panchayat. In these circumstances, we accept Dinesh Chodankar's explanation that he did act based upon the Petitioner's complaint after he was apprised of the order of this Court. Notice of contempt issued to Dinesh Chodankar is, therefore, discharged.

10. A demolition order was already issued on 22/3/2024. Accordingly, we do not think this contempt petition should be kept pending. This Petition is disposed of in the above terms.


11. There shall be no order for costs.

12. The Registry must send an authenticated copy of this order to the Block Development Officer of Bardez at Mapusa and the Director of Panchayats for necessary action.

VALMIKI MENEZES, J.

M.S. SONAK, J.

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SHRIDHAR
MHAMAL

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