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

**WRIT PETITION NO.186 OF 2024**

NARAYAN DATTA NAIK

... Petitioner

*Versus*

STATE OF GOA THR ITS  
CHIEF SECRETARY AND 4 ORS.

... Respondents

Mr Abhijit Gosavi with Mr Guruprasad Naik, Mr Athnain Naik and Ms Krupa Naik, Advocates *for the Petitioner.*

Mr Shividatt Munj, Additional Government Advocate *for the Respondent-State.*

Mr Zeller D'Souza, Advocate *for Respondent No.4.*

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

**DATED: 6<sup>th</sup> March 2024**

**P.C.:**

1. Heard Mr Gosavi for the Petitioners, Mr Munj, learned Additional Government Advocate, for Respondent Nos.1, 2 and 5 and Mr Zeller D'Souza for Respondent No.4.

2. As yet, no notice is served on the 3<sup>rd</sup> Respondent. However, this petition only seeks expeditious disposal of Panchayat Petition No.1/2023 pending before the Additional Director of Panchayats-II, South Goa at Margao which was instituted on 19.05.2023.

3. The Petitioners, based upon some allegations with which we are not concerned for the present, seek the removal of the 3<sup>rd</sup> Respondent as a Panch of the Village Panchayat of Sancoale.

4. The Petitioners have placed on record the Roznama of the proceedings before the Additional Director. The Roznama indicates that notices were issued to the Respondents and the Respondents appeared on 13.06.2023 before the Additional Director. At their request, the matter was adjourned by 30 days and the matter was posted on 13.07.2023.

5. On the next date, again, time was sought by the Respondents to file reply and the matter, this time, was adjourned by almost 59 days to 12.09.2023.

6. On 12.09.2023, the Respondent did not file their replies and once again asked for adjournment which was readily granted by the Additional Director. The matter this time was posted after 83 days to 30.11.2023.

7. On 30.11.2023, the Additional Director adjourned the matter by almost 133 days to 12.03.2024 by recording the following Roznama:-

*“Matter adjourned as P.O. is busy with preparation of report with respect to High Court matter pertaining to North Goa District which is transferred by the Director of Panchayats. Next hearing was fixed on 12.03.2024.”*

8. At this stage, though we are not concerned with the allegations made or the grounds raised for removal of the 3<sup>rd</sup> Respondent, we think that the Additional Director of Panchayats cannot adopt such casual approach and

keep on delaying the matter. Mr Munj, learned Additional Government Advocate, fairly stated that such matters would have to be disposed of within a reasonable time.

**9.** The petitions of this nature, cannot be frustrated by anyone merely by delaying adjudication. The Respondents should have at least filed their reply by 30.11.2023. In any case, the Additional Director of Panchayats was not at all justified in being so liberal with the adjournments and adjourning the matters after 59, 83 and 113 days.

**10.** Mr Zeller D'Souza who appears for the Panchayat submitted that the Petitioners have come up with a false case before this Court. He referred to the table below para 2 of the petition in which, the Petitioners have stated that adjournments were granted, "*inspite of objection from the Appellant*". Mr D'Souza referred us to the actual Roznama and submitted that no such objections are noted in the Roznama. From this, he wants us to hold that the Petitioners have come to this Court with a false case.

**11.** Because the Roznama does not record that the Petitioners raised an objection to the adjournments, we cannot say that any false statement has been made before this Court. The Petitioner has been pursuing the petition, and it is inconceivable that he would consent to adjournments, particularly when the matters were adjourned by 59, 83 and 113 days. There was virtually no progress in the proceedings before the Additional Director of Panchayats.

**12.** Mr Zeller D'Souza states that the Panchayat will positively file its

reply within 15 days from today before the Additional Director of Panchayats.

**13.** Mr D'Souza makes it clear that he has not appeared on behalf of Respondent No.3. But as an officer of the Court, he points out that Respondent No.3 is presently abroad. Therefore, on behalf of respondent No. 3, Mr D'Souza requests 20 days' time to file a reply before the Addl. Director. This request is reasonable. Accordingly, the 3<sup>rd</sup> Respondent is granted 20 days' time to file a reply.

**14.** When the Additional Director takes up the matter on 12.03.2024, he should account for this 15 and 20-day time period, which we have now granted. Accordingly, the Additional Director should post the next date, 15 days from 12.03.2024, so that the replies of all the Respondents are on the file. No further indulgence must be granted for filing replies. As it is, the Respondents have delayed the matter unreasonably.

**15.** After that, the Additional Director must dispose of the Petitioners' petition under Section 210-A of the Panchayat Raj Act as expeditiously as possible and, in any case, within four months from today. The Additional Director must endeavour to take up the matter from week to week and not be too liberal with the adjournments unless either of the parties makes out very good ground.

**16.** Mr Gosavi relied on *Keisham Meghachandra Singh vs. Speaker, Manipur Legislative Assembly and others*<sup>1</sup>, and submitted that the Hon'ble

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<sup>1</sup> (2021) 16 SCC 503

Supreme Court has held that a prompt decision on the issue of disqualification is necessary. He pointed out that the Hon'ble Supreme Court has held that such petitions should be disposed of within a reasonable period. Further, what is reasonable would depend on the facts of each case, but absent exceptional circumstances for which there is good reason, a period of three months from the date on which the petition is filed is the outer limit within which disqualification petitions filed before the Speaker must be decided if the constitutional objective of disqualifying persons who have infracted the Tenth Schedule is to be adhered to. This period has been fixed keeping in mind the fact that ordinarily, the life of the Lok Sabha and the Legislative Assembly of the States is 5 years and the fact that persons who have incurred such disqualification do not deserve to be MPs/MLAs even for a single day, as found in **Rajendra Singh Rana vs. Swami Prasad Maurya<sup>2</sup>**, if they have infracted the provisions of the Tenth Schedule.

**17.** The Director/Additional Director of Panchayats must dispose of disqualification petitions or petitions seeking the removal of elected panchas with utmost dispatch. Granting liberal and lengthy adjournments is completely unacceptable, and delaying such Petitions is improper. There is no point in a sword of Damocles hanging over an elected representative, and at the same time, if an elected representative deserves to be disqualified or removed, then it is not in the public interest that he/she continues due to the delay in the disposal of proceedings against him/her.

**18.** Accordingly, we dispose of the petition by issuing the above

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<sup>2</sup> (2007) 4 SCC 270

directions and clarifying that we have not even remotely investigated the allegations, counter-allegations, or veracity of the allegations. The Additional Director of Panchayats must investigate these matters expeditiously and without any undue delays. All concerned to act on an authenticated copy of this order.

**VALMIKI SA MENEZES, J.**

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