



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 3102 OF 2025 (F)

1. Mrs. Prerna Khetrapal, wife of Shri Rahul Khetrapal, Aged about 35 years, Service, R/o. House no. B174, 3rd Floor, East off Kailash, New Delho – 110065.
2. Mrs. Renu Gulati, Wife of Shrui Mukesh Gulati, Aged about 54 years, Service, R/o. D8, Ocean Park, Dona Paula, Tiswadi, Goa 403004.
3. Mrs. Ashwini Nayak, Wife of Shrinivas Nayak, Aged 45 years, Service, Resident of C-6, Ocean Park, Dona Paula, Tiswadi, Goa 403004.
4. Mrs. Sabrina Pillai, wife of shri Sajan Pillai, Aged 36 years, Service, R/o. House no. 129/3, Plot No. 104 & 105, Ocean Park, Behind N. S. D., Dabolim, Alto Dabolim, Goa, 403806.

...Petitioners

Versus

1. 1. Village Panchayat of Verna, Through its Secretary, Salcete, Goa – 403 722.
2. The Secretary, Village Panchayat of Verna, Salcete, Goa

...Respondents

Mr. Parag Rao, Advocate with Mr. Akhil Parrikar., Advocate for the Petitioners.

Mr. Athnain Naik, Advocate for the Respondents.

CORAM : DR. NEELA GOKHALE, J.

RESERVED ON : 21st JANUARY, 2026
PRONOUNCED ON : 22nd JANUARY, 2026

JUDGMENT

- 1.** Rule. Rule made returnable forthwith. By consent of the parties, the Petition was taken up for final hearing.
- 2.** By way of the present Petition, the petitioner seeks to quash and set aside the Impugned Communication dated 20th November 2025, bearing Ref. No. VP/V/1833/2025-2026 issued by the Respondents, revoking the NOC granted to the Petitioners on 12th November 2024.
- 3.** The facts of the case reveal that the Petitioners are the owners of the property bearing survey no. 36/1-A of Verna Village admeasuring approximately 24,235 square meters of area. They had purchased the said property vide Sale Deed dated 10th August 2017, registered on 23rd August, 2017, before the Sub-Registrar of Assurances. They applied to the Town and Country Planning Department ('TCP') for sub-division of the said property. A provisional technical clearance dated 19th January 2023, was issued by the TCP.
- 4.** Pursuant to the said provisional clearance, the Petitioners also sought No Objection Certificate ('NOC') for sub-division of the property from the Respondent no. 1, namely, the Village Panchayat of Verna. A Sanad dated 10th July 2008, was also procured from the office of the

Deputy Collector under the Goa, Daman and Diu Land Revenue Code of 1968.

5. The Petitioners carried out the sub-division of the property in accordance with the approved plan and applied for the final technical clearance from the TCP. The same was granted on 27th September 2024. The Village Panchayat also issued the final NOC dated 12th November 2024, and collected fees of Rs.1,41, 720/-. Thereafter, the Petitioners further sold property to third parties by executing the necessary agreements. At this stage, the Respondent no.2 i.e. the Secretary of the Village Panchayat of Verna, issued a communication dated 11th November 2025, calling upon the Petitioners to show cause as to why the final NOC should not be revoked. The said show cause notice was alleged to have been sent based on a complaint and a decision taken by the Gram Sabha. The Petitioners replied the said show cause notice, however, the Secretary of the Village Panchayat issued the Impugned Communication dated 20th November 2025, to the Senior Town Planner, revoking the final NOC earlier granted by the Village Panchayat. A copy of the said communication is also marked to the Petitioners. It is this communication which is assailed in the present Petition.

6. Mr. Parag Rao, learned Counsel appears for the Petitioners and Mr. Athnain Naik, learned Counsel appears for the Respondents.

7. Mr. Rao submitted that the Respondents have no statutory power to revoke a final NOC once it is issued and acted upon. He also submitted that the Impugned Revocation/Communication is issued without any opportunity to the Petitioners to be heard and hence the principles of natural justice are violated. He also submitted that there is no cause made out to revoke the NOC since the Petitioners are in full compliance with the conditions of the NOC and have also paid the necessary fees. He also brought to my attention Section 6 of the Goa Panchayat Raj Act, 1994, ('Panchayat Raj Act'), which defines the scope and ambit of the functions of the Gram Sabha. According to him, the Gram Sabha had not in any manner involved in the issuance of NOC nor is it competent to recommend its withdrawal. Mr. Rao placed reliance on a decision of this Court in the matter of *Meenakshi Financial Consultants (P) Ltd. & anr. Vs. The Village Panchayat of Orlim, Salcete, Goa*¹. He thus prays that the Petition be allowed.

¹ 2009(4) ALL MR 8

8. Per contra, Mr. Naik contested the Petition, however, left it to the Court to pass appropriate orders.

9. I have heard both the Counsel for the parties and perused the records with their assistance.

10. Admittedly, the NOC was issued on 12th November 2024, by the Village Panchayat. The Petitioners had paid the tax/fees to the Panchayat and had abided by all the conditions laid down by the Senior Town Planner, Margao. Subsequent to the NOC, the Petitioners caused sub-division of the property and created third party rights in the same. Now, after a period of one year, the Panchayat has sought to revoke the NOC only based on a ‘strong objection’ of the Gram Sabha. There is no reason, nor any cause mentioned in the said letter impugned herein. The Petitioners were not granted any opportunity of being heard before revoking the said NOC, especially since the decision in the communication impinges on the valuable right created in the Petitioners and third parties who have purchased the sub-divided land of the property. It is clearly demonstrated that the principles of natural justice are contravened.

11. Most importantly, the Gram Sabha has no authority nor locus to sustain an objection to the NOC granted to the Petitioners by the Village Panchayat. Section 6 of the Goa Panchayat Raj Act, 1994, defines the functions of the Gram Sabha. Section 6, reads thus:

“6. Functions of Gram Sabha. — (1) The Sarpanch shall place before the Gram Sabha for its approval the following matters:-

- (a) the annual statement of accounts;*
- (b) annual administration report;*
- (c) budget estimates;*
- (d) the development and other programmes of the work proposed for the current financial year;*
- (e) the last audit report and the replies made thereto;*
- (f) proposal for fresh taxation or enhanced taxation;*
- (g) proposal for organising community service, voluntary labour or mobilization of the local people for any specific work included in any programme;*
- (h) identification of the beneficiaries under various programmes of the Government;*
- (i) determination of the priorities of the work to be undertaken by the Panchayat;*
- (j) utilisation certificate in respect of the developmental works undertaken by the Panchayat from the grants-in-aid or Panchayat funds.*

(2) The Gram Sabha shall constitute minimum two Supervisory Committees to supervise the Panchayat work and other activities. The Supervisory Committees shall submit its report to the Panchayat and also place a copy of their report in the meeting of

the Gram Sabha for an appropriate decision.

(3) The Government shall constitute Vigilance Committees to oversee the quality of work, schemes and other activities for each Gram Panchayat. The terms and conditions of appointment of the members of Vigilance Committees shall be such as may be prescribed.

(4) The decision taken by the Gram Sabha shall be binding on the Panchayat provided it is not contrary to the rules and regulations framed under this Act or any other law for the time being in force and it shall be the duty of the Sarpanch to execute the same as early as possible.

(5) Any person aggrieved by the decision of the Gram Sabha, may prefer an appeal to the Director within a period of thirty days from the date of such decision and the Director's decision on such appeal shall be final.

(6) The Director, after giving notice to the Panchayat and the public notice to be displayed on the notice board of the Panchayat and the Office of the Block Development Officer, may pass such order as he may deem fit and proper.

(7) Any member of the Gram Sabha shall, have the right to obtain information relating to any developmental works undertaken by the Panchayat as well as certified copies of the proceedings of the meeting of the Panchayat and Gram Sabha.

(8) The Gram Sabha shall constitute two or more ward development committees. The power, functions and the manner of constitution of such committees, shall be such as may be prescribed.

(9) A Gram Sabha shall carry out such other functions as the Government may, by general or special order, require."

12. A plain reading of the functions of the Gram Sabha clearly indicates that the Gram Sabha is not vested with any authority nor function of foisting any objection on the Panchayat regarding issuance or revocation of NOC granted to landowners. Moreover, there is no

provision in the Panchayat Raj Act giving authority to the Gram Sabha to intervene in the grant of or revocation of any NOC to the landowners/developer for development of the property. The Impugned Communication stating that the NOC stands revoked only on the strong objection of the Gram Sabha is completely untenable and cannot be sustained in law.

13. I have also perused the decision of this Court in *Meenakshi Consultants* (supra). This Court, in paragraph 7 has clearly observed that there is no provision in the Panchayat Raj Act permitting the Gram Sabha to grant permission to construct or to revoke or interfere with the permission granted. This Court has further considered the provision vesting the power to revoke the construction licence in the Panchayat as circumscribed by Rule 9 of the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules 1971. The Panchayat concerned may revoke any permit issued under the provision of these Rules, wherever there has been any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was based.

14. The Impugned Order/Communication is bereft of any allegation that the Petitioners have made any false statements or any misrepresentation as contemplated under Rule 9. In fact, no resolution of the Gram Sabha is placed on record, *albeit* any resolution, if passed, is contrary to the provisions of the Panchayat Raj Act and the Rules mentioned above.

15. Considering the aforesaid discussion, the Impugned Communication is bad in law and cannot be sustained. Moreover, the revocation/communication is issued one year after the NOC was granted, after the Petitioners acted upon the said NOC. In view of the factual matrix and the settled legal position, the Impugned Communication dated 20th November 2025, is quashed and set aside.

16. The Writ Petition is allowed.

17. Rule is accordingly made absolute.

DR. NEELA GOKHALE, J