

No: 19/33/DP/DEM-CIR/09/22
Government of Goa,
Directorate of Panchayats,
Junta House, 3rd lift, 3rd floor,
Panaji-Goa.

Dated:- 4.06.2010

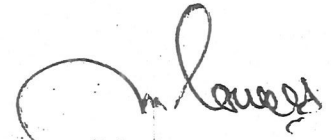
CIRCULAR

Section 47 of the Goa Panchayat Raj Act, 1994 specifies the Executive powers and functions of the Village Panchayat Secretary. Accordingly the Village Panchayat Secretary is the Executive Officer of the Village Panchayat and it is only the Village Panchayat Secretary who can issue the license for construction/repairs, occupancy certificate in pursuance to the resolutions of the Panchayat. So also, the Village Secretary is empowered to initiate action for demolishing any unauthorized structure without the permission of the Panchayat after a resolution is passed to that effect, and to execute the resolutions passed by the Panchayat body.

It has been noticed that inspite of the above the Sarpanchas are issuing stop/demolition notices/orders under their signatures in contravention of the provisions of the Section 47 of the Goa Panchayat Raj Act, 1994.

The Hon'ble High Court of Bombay in Writ Petition No. 735 of 2009 has held that in terms of Section 47 of the Goa Panchayat Raj Act, 1994 order of demolition can only be issued under the signature of the Secretary of the Panchayat and not the Sarpanch. The order cum show cause notice therefore having been issued by the Sarpanch is without jurisdiction.

The above provisions of the law are therefore brought to the notice of the Village Panchayats for strict compliance.



(Menino D'Souza)
Director of Panchayats,
Panaji-Goa.

To,
The Village Panchayat,
.....
(Through the Block Development Officer)

Copy to:-

1. The Block Development Officer.....
2. The Deputy Director of Panchayats North/South.