

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 107/2015**

Fayaz Mahamood M.A.,
major of age, proprietor of
STC Tours and Travels,
having office at
S-III, Salkar Residency,
Adarshnagar, Chicalim, Goa
presently residing at
H.No.E-T-1, 3rd Floor,
Kailash Life Style Apartments,
Alto Dabolim, Near N.S.D.,
Dabolim, Goa 403 801.

..... Petitioner.

V/s.

1. State of Goa, through its
Chief Secretary,
Secretariat, Porvorim, Goa.
2. The Director of Transport,
Directorate of Transport,
Junta House,
Panaji, Goa 403 001.
3. The Assistant Director of Transport,
having his office at
Our Lady of Guia Building,
Vasco-da-Gama, Goa.
4. The Regional Transport Authority,
through its Member Secretary,
The Assistant Director of Transport,
having his office at
Our Lady of Guia Building,
Vasco-da-Gama, Goa.

Shri S. D. Padiyar and Shri Abhay Nachinolkar, Advocates for the petitioner.

Shri A. N. S. Nadkarni, Advocate General with Shri N. Pai, Additional Govt. Advocate for the respondents.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 4th March, 2015.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Shri S. D. Padiyar, learned Counsel appearing for the petitioner and Shri A.N.S. Nadkarni, learned Advocate General appearing for the respondents .

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Additional Govt. Advocate appearing for the respondents waives service.

3. The above writ petition, *inter alia*, takes exception to the communication dated 12/12/2014 received by the petitioner whereby the Agent's Licence of the petitioner came to be rejected. During the course of the hearing of the above petition, it was pointed out by the learned Counsel appearing for the petitioner that the predicates of Rule

142 of the Goa Motor Vehicles Rules have not been complied with and the reasons given in the impugned communication are extraneous. The learned Advocate General fairly points out that the reasons given in the impugned communication are not in terms of the provisions of the said Rules and that the application filed by the petitioner would be considered afresh.

4. In the facts and circumstances of the case and taking note of the rival contentions, we find it appropriate to quash and set aside the impugned communication dated 12th December, 2014 and direct the respondent No.4-Authority to consider the application of the petitioner dated 9th July, 2014 afresh, in accordance with law, as expeditiously as possible and in any event, within a period of four weeks from today.

5. The Rule stands disposed of in the above terms. There shall be no order as to costs.

K.L. WADANE, J.

F.M. REIS, J.

ssm.