

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NOS. 274, 289, 293 AND 306 OF 2015

WRIT PETITION NO. 274 OF 2015

Shri Ladhu Alias Sidharth C. Kerkar,
son of late Chandrakant Kerkar,
Aged 36 years, businessman,
Resident of H. No. C-20/223,
Kevnem Taleigao, Goa.

... Petitioner

V e r s u s

The Corporation of City of Panaji,
Through the Commissioner
Having office at Corporation Building,
Panaji, Goa.

... Respondent

Mr. Gaurish Agni, Advocate for the Petitioner.
Mr. A. D. Bhohe, Advocate for the Respondent.

WRIT PETITION NO. 289 OF 2015

Shri Dayanand Amonkar,
major of age, Indian National,
r/o A/41, Vanrai Apartments,
Caranzalem, Panaji, Goa.

... Petitioner

V e r s u s

The Corporation of City of Panaji,
Through the Commissioner
Having office at Corporation Building,
Panaji, Goa.

... Respondent

Mr. N. N. Sardessai, Senior Advocate with Mr. L. Raghunandan, Advocate for the
Petitioner.
Mr. A. D. Bhohe, Advocate for the Respondent.

WRIT PETITION NO. 293 OF 2015

Shri Ramdas S. Latkar,
Major of age, Indian National
Resident of House no. 960/1,
Raulo Band, St. Cruz,
Tiswadi, Goa.

... Petitioner

V e r s u s

The Corporation of City of Panaji,
Through its Commissioner
Having office at Corporation Building,
Panaji, Goa.

... Respondent

Mr. H. D. Naik, Advocate for the Petitioner.
Mr. A. D. Bhohe, Advocate for the Respondent.

A N D

WRIT PETITION NO. 306 OF 2015

Shri Maruti M Prabhu
Major of Age, Indian National,
Resident of 1st floor,
Municipal Building, Fish Market,
Panaji, Goa.

... Petitioner

V e r s u s

The Corporation of City of Panaji,
Through the Commissioner
Having office at Corporation Building,
Panaji, Goa.

... Respondent

Mr. H. D. Naik, Advocate for the Petitioner.
Mr. A. D. Bhohe, Advocate for the Respondent.

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

Date : **1st July, 2015**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri Nitin Sardessai, learned Senior Counsel appearing for the
Petitioner in Writ Petition no. 289 of 2015, Mr. G. Agni, learned Counsel appearing
for the Petitioner in Writ Petition no. 274 of 2015, Shri H. D. Naik, learned Counsel
appearing for Petitioners in Writ Petition nos. 293 and 306 of 2015 and Shri A. D.

Bhobe, learned Counsel appearing for the Respondent no. 3.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondents waives service.

3. Upon hearing the learned Counsel appearing for the respective parties, we find that the main grievance of the Petitioners was that the Respondents without following the due process of law, had proceeded to seal the subject premises which caused great inconvenience and prejudice to the Petitioners. Accordingly, by an interim Order passed by this Court on 10.04.2015 and 15.04.2015 in the above Petitions, the Respondents were directed to remove the seal from the subject premises subject to the condition that the Petitioner shall not create third party rights nor introduce any third party nor carry out any illegal business in the subject premises. The Respondents have filed an affidavit, inter alia, pointing out that they would accept the direction of this Court to the effect that the seals put up in the subject premises be removed but, however, the Respondents would take action against the concerned Petitioners in accordance with law as stated in para 2 of the affidavit.

4. Mr. A. D. Bhobe, learned Counsel appearing for the Respondent no. 3, further points out that the conditions imposed by this Court should continue to be in operation until such action is taken. We find that the question of continuing such condition when the Petition is disposed of would not at all be justified. But, however, in case the Respondents are so advised, they are at liberty to take recourse in accordance with law in case any alleged illegal business is carried out

or third party rights are created by the Petitioners.

5. Hence, we pass the following :

ORDER

- (i) The impugned Order directing the sealing of the disputed premises passed by the Respondents are quashed and set aside in the light of the observations made herein above.
- (ii) Needless to say, the Respondents, if so advised, may take action against the Petitioners in accordance with law.
- (iii) Rule is made absolute in the above terms.
- (iv) All the Petitions stand accordingly disposed of.

K. L. WADANE, J.

F. M. REIS, J.

arp/*