

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 333/2015**

Mohammed Hanif Hownur,
General Secretary, representing
Sunni Al Madina – Masjid-Wa-Madrassa
Society registered under the Societies
Registration Act, 1860, with its Office
at Rumdamol Hsg. Board,
Davorlim, Navelim, Salcete, Goa.

..... Petitioner.

V/s.

1. State of Goa,
through the Chief Secretary,
with its Office at Secretariat,
Goa Legislative Assembly Complex,
Porvorim, Goa.

2. The District Registrar (South Goa)
Inspector General of Societies,
Panaji, Government of Goa,
with its Office at Osia Commercial Complex,
2nd Floor, “D” Wing,
Salcete, Margao, Goa.

3. Abdul Wahab Gokak,
major of age,
resident of H.No. P/52, Housing Board,
Rumdamol Davorlim.

..... Respondents.

Shri Sudesh Usgaonkar, Advocate for the petitioners.

Shri A. N. S. Nadkarni, Advocate General with Shri P. Faldesai, Addl. ,
Government Advocate for the respondents No.1 and 2.

Shri Nitin Sardesai, Senior Advocate with Shri L. Raghunandan,
Advocate for the respondent No.3.

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

Date : - 17th June, 2015.

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

Heard Shri Sudesh Usgaonkar, learned Counsel appearing for the petitioners, Shri A.N.S. Nadkarni, learned Advocate General appearing for the respondents No.1 and 2 and Shri Nitin Sardesai, learned Senior Counsel appearing for the respondent No.3.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Counsel appearing for the respondents waive notice.

3. Upon hearing the learned Counsel appearing for the respective parties, a short grievance raised by the petitioners is that the impugned order passed by the respondent No.2 is without giving an adequate hearing to the concerned parties while adding new names as members of the concerned Society. It is also pointed out that the respondent No.2 did not apply his mind to examine whether such persons satisfy the requirements of the bye-laws and other relevant

provisions of law. Shri Sudesh Usgaonkar, learned Counsel appearing for the petitioners has also pointed out that the respondent No.2 was, in fact, bound to examine such objections after giving an opportunity of hearing to all the concerned parties, in terms of the Judgment passed by this Court dated 21/01/2015 and subsequent order dated 12/02/2015 in Writ Petition No.804/2014.

4. Shri A.N.S. Nadkarni, learned Advocate General appearing for the respondents No.1 and 2 makes a statement that the respondent No.2 shall give a fresh hearing to all the concerned parties and thereafter decide on the list of voters of the subject Society.

5. In view of the above, we pass the following :

O R D E R

(I) The impugned orders/directions of the respondent No.2 dated 16th April, 2015, determining the list of voters are quashed and set aside.

(II) The respondent No. 2 shall proceed to examine the veracity of the claims of the parties to feature in the Voters' List, specified in the Order dated 15th April, 2015, afresh, after hearing the petitioners, respondent No.3 and all the concerned parties in

accordance with law, and complete such exercise within three months from today.

(III) The parties are directed to appear before the Respondent No.2 on Monday, 22nd June, 2015 at 10.00 a.m.

(IV) Rule is made absolute in the above terms.

K.L. WADANE, J.

F.M. REIS, J.

ssm.