

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 404 OF 2015

IN

WRIT PETITION NO. 295 OF 2015

MR. DILIP ANANT KHOBREKAR AND 2
ORS.,

... Applicants

Versus

STATE OF GOA, THROUGH CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. Vledson Lucio
Braganza, Advocate for the applicants.
Mr. M. Salkar, Government Advocate for the respondents.

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

Date:- 7th July, 2015

P.C.

Heard Mr. J. E. Coelho Pereira, learned Senior Counsel
appearing for the applicants and Mr. M. Salkar, learned Government
Advocate appearing for the respondents.

2. This is an application for speaking to the minutes of the
judgment dated 17.06.2015 passed in Writ Petition No. 295 of 2015.

3. Mr. Coelho Pereira, learned Senior Counsel appearing for the
applicants points out that on the date fixed by this Court for the
appearance of the applicants before the learned Mamlatdar, all the
applicants had appeared and that they were not permitted to enter the

Court room nor time was granted to engage their lawyer. The learned Senior Counsel submits that even no date was given. The learned Senior Counsel further submits that the applicants were not notified of any further date of hearing on such objection. The learned Senior Counsel as such points out that the applicants should be given reasonable and fair opportunity to produce the documents in support of their claim and that in case any adverse order is passed no action be taken for a period of 15 days in view of the conduct reflected in the application at paras 5, 6 and 7.

4. On the other hand, Mr. M. Salkar, learned Government Advocate appearing for the respondents submits that on the date fixed for appearance, only 134 petitioners were present and the remaining petitioners failed to remain present. The learned Government Advocate further submits that another date was fixed on 30.06.2015 when all the matters were fixed and some of the petitioners produced their documents. The learned counsel strongly opposes to the relief sought by the applicants to the effect that in case any adverse order is passed against the applicants such order should not be acted upon for a period of 15 days.

5. We have given our thoughtful consideration to the rival contentions. The matter was remanded to the authorities to proceed in the inquiry by following principle of natural justice. In such circumstances, the learned Mamlatdar ought to have fixed sufficient

number of matters on a particular date which could be examined instead of fixing all the matters on one day. Apart from that, any verification or examination of the evidence on record has to be done upon hearing the rival parties and their advocates, if any. The allegations made in the above application appear that due process to that effect has not been followed. In such circumstances, we find that the learned Mamlatdar should effectively follow the principle of natural justice and give a fair and adequate opportunity to the applicants to produce their evidence, if any. In such circumstances, with the consent of the learned Government Advocate and the learned Mamlatdar who is present in Court, the applicants are called upon to remain present in the Office of the learned Mamlatdar on 15.07.2015 at 10.30 a.m. The learned Mamlatdar shall proceed to conduct an inquiry in the light of the observations made herein above in accordance with law.

6. With regard to the contention of Mr. Coelho Pereira, learned Senior Counsel appearing for the applicants to the effect that in case any adverse order is passed against the applicants such order should not be implemented for a period of 15 days, we find that normally such request is not refused by this Court. Hence, we clarify that in case any adverse order is passed against the applicants at the time of the final disposal of the inquiry such order shall not be implemented for a period of 10 days.

7. With the aforesaid clarification, the application stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

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