

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 422 OF 2015

IN

WRIT PETITION NO. 804 OF 2014

SHRI. MOHAMMED HANIF HOWNUR,
GENERAL SECRETARY REPRESENTING,
SUNNI AL MADINA-MASJID-WA-MADRASA.

... Applicant

Versus

STATE OF GOA THROUGH ITS CHIEF
SECRETARY AND 2 ORS.

... Respondent

Mr. Sudesh Manohar Usgaonkar, Advocate for the applicant.
Mr. P. Faldessai, Additional Government Advocate for the
respondent nos.1 and 2.
Mr. L. Raghunandan, Advocate for the respondent no.3.

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

Date:- 5th August, 2015

P.C.

Heard Mr. Sudesh M. Usgaonkar, learned Counsel appearing for the applicant, Mr. P. Faldessai, learned Additional Government Advocate appearing for the respondent nos.1 and 2 and Mr. L. Raghunandan, learned Counsel appearing for the respondent no.3.

2. This is an application seeking inter alia for transfer of the proceedings pending before the respondent no.2. It is not disputed that the respondent no.2 was appointed by this Court pursuant to the directions issued while disposing of Writ Petition No. 804/2014 by judgment dated 21.1.2015 which came to be modified from time to time.

3. During the course of hearing the above Writ Petition, Shri Sudesh Usgaonkar, learned counsel appearing for the applicant has taken a strong objection to the manner in which the proceedings were being conducted by the respondent no.2 as well as the arrogance shown by the respondent no. 2 while performing the duties assigned to him, pursuant to the said order. The learned Counsel appearing for the petitioner has made specific allegations with that regard in support of said contention. But however, learned counsel appearing for the respondent no. 3 has disputed the said contentions.

4. The respondent no. 2 who is present in the Court was informed by the learned Additional Government Advocate about the allegations made by the applicant/petitioner in the above application which were disputed by the respondent no. 2. But however, the respondent no. 2 was called upon to ensure that the proceedings are conducted as expected of a quasi judicial officer, though allegations made by the applicant would otherwise deserve consideration.

5. In peculiar facts and circumstances of the case and taking note of the inquiry assigned to the respondent no. 2 pursuant to the order dated 21.1.2015, we find it appropriate to dispose of the above application by not passing any further order with regard to transfer of the proceedings from respondent no.2, but however, the respondent no. 2 is called upon to ensure that a situation is not created while

conducting the proceedings which would lead to any further allegations in the manner alleged in the application.

6. Liberty to the applicant to file objections, if any, with regard to voters list after furnishing copy thereof to the respondent no.3 herein and other concerned parties.

K. L. WADANE, J.

F. M. REIS, J.

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