

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 546 OF 2015**

1. Sudit Naik,
major,
son of Kamalkant Naik,
residents of Mushim Waddo,
Colvale Goa.
 2. Kamlakant Naik,
major,
son of Purshottam Naik,
Resident of Mushim Waddo,
Colvale Goa.
- Petitioners

V e r s u s

1. State of Goa,
Through Chief Secretary,
Secretariat,
Porvorim Goa.
 2. Deputy Town Planner,
Town and Country Planning
Development, Mapusa Goa.
- Respondents

Mr. V. A. Lawande, Advocate for the petitioners.

Mr. V. Rodrigues, Additional Government Advocate for the respondents.

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

Date :- 12th August, 2015

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

Leave to amend. Amendment to be carried out forthwith.

2. Heard Mr. V. A. Lawande, learned counsel appearing for the petitioners and Mr. V. Rodrigues, learned Additional Government Advocate appearing for the respondents.

3. Rule. Heard forthwith with the consent of the learned counsel.

4. The learned counsel appearing for the respondents waives service.

5. Upon hearing the learned counsel appearing for the petitioners and the respondents the main grievance of the petitioners is that the impugned order dated 09.07.2015 passed by the respondent no.2 is on the wrong premise that the application filed by the petitioners dated 29.04.2015 was to permit the petitioners to carry out the liquor business in the subject premises.

6. Mr. Lawande, learned counsel appearing for the petitioners however submits that the application is only to examine whether the subject premises can be used as a shop. It is not disputed that this aspect has not been examined by the respondent no.2 while passing the impugned order. In such circumstances, we find it appropriate to quash and set aside the impugned order dated 09.07.2015. The respondent no.2 is directed to examine the application dated

30.01.2013 and subsequent letter dated 29.04.2015 filed by the petitioners afresh in the light of the observations made herein above within two months. Rule is made absolute in the above terms.

7. The petition stands disposed of accordingly with no order as to costs.

K. L. WADANE, J

F. M. REIS, J

at*