

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 63/2015**

Shri Gopal Ondu Gawas,
major of age,
resident of House No.761,
Palem, Siridao, Ilhas, Goa 403001.

..... Petitioner.

V/s.

1) The Goa Housing Board,
with its Office at Alto-Betim,
Porvorim, Bardez, Goa,
through its Managing Director.

2) State of Goa,
through the Secretary (Revenue),
with his Office at the Secretariat Complex,
Porvorim, Bardez, Goa.

..... Respondents.

Shri S. D. Lotlikar, Senior Counsel with Shri P. S. Lotlikar, Advocate
for the petitioner.

Shri A. N. S. Nadkarni, Advocate General with Shri D. Lawande,
Government Advocate for the respondent No.1.

Shri A. N. S. Nadkarni, Advocate General with Shri P. Dangui,
Additional Govt. Advocate for the respondent No.2.

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

Date : - 4th March, 2015.

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

Heard Shri S. D. Lotlikar, learned Senior Counsel appearing for the petitioner and Shri A.N.S. Nadkarni, learned Advocate General appearing for the respondents .

2. Rule. Heard forthwith, with the consent of the learned Counsel. Respective Counsel waive service of notice.

3. The short point that falls for consideration and raised during the hearing by the learned Counsel appearing for the respective parties is, whether the impugned communication bearing reference No.GHB/ADM/288/2014 dated 30/5/2014 addressed to the petitioner by the Managing Director of the First Respondent, is justified ?

4. Shri S. D. Lotlikar, learned Senior Counsel appearing for the petitioner, during the course hearing, has pointed out that by the impugned communication the plot which was intended to be allotted to the petitioner has been cancelled without following the principles of natural justice, as the petitioner was not heard before arriving at such a decision. The learned Senior Counsel further points out that the petitioner is entitled to such a plot and according to him, grave

injustice has occasioned to the petitioner, as the impugned communication has deprived the petitioner of such a plot.

5. On the other hand, Shri A. N. S. Nadkarni, learned Advocate General appearing for the respondents has pointed out, without going into the merits of the claim of the petitioner, that the petitioner was in fact not heard before arriving at the decision by the impugned communication.

6. Taking note of the said rival contentions, we find that admittedly the petitioner was not heard before arriving at the decision conveyed by the impugned communication bearing reference No.GHB/ADM/288/2014 dated 30/5/2014. As such, we find it appropriate to quash and set aside the said communication, keeping all the contentions of both the parties, on merits, open.

7. Hence, we pass the following :

O R D E R

(1) The impugned communication bearing reference No.GHB/ADM/288/2014 dated 30/5/2014 is quashed and set aside.

(2) The respondent No.1 shall proceed to take an action

in respect of the subject plot after hearing the petitioner, in accordance with law.

Rule is made absolute in the above terms. There shall be no order as to costs.

K.L. WADANE, J.

F.M. REIS, J.

ssm.