

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 897 OF 2015

MRS.NAZIM PARVEZ JAFRANI,
REPRESENTED BY HER POA SHRI FAIZAN
PARVAIZ JAFRANI.

... Petitioner

Versus

STATE OF GOA, THROUGH CHIEF
SECRETARY AND 4 ORS.,

... Respondents

Mr. P. Talaulikar, and Mr. Kapil Kerkar, Advocate for the petitioner.
Mr. P. Dangui, Additional Govt. Advocate for the respondents No. 1,
3 and 4.

Mr. P. A. Kamat, Advocate for the respondent No.2.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 17th December, 2015

P.C.:

Heard Mr. P. Talaulikar, learned Counsel appearing for the petitioner, Mr. P. Dangui, learned Additional Govt. Advocate for the respondents No.1, 3 and 4 and Mr. P. Kamat, learned Counsel appearing for the respondent No.2.

2. It is submitted by the learned Counsel appearing for the petitioner that the petitioner was holding the Establishment Licence (Trade) dated 1/10/2010 for conducting restaurant business in House No.E/5/102 in Ward No.5 at Calangute. It is further submitted by the learned Counsel appearing for the petitioner that in spite of an order dated 18/12/2014 passed by the learned Additional Director of

Panchayats -II, Panaji, the Second Respondent is not renewing the Establishment Licence (Trade). The learned Counsel appearing for the petitioners, on instructions, at this stage is restricting his relief only with regard to the direction to the Second Respondent to renew the Establishment Licence (Trade).

3. The learned Counsel appearing for the Second Respondent submits that the order of the Additional Director of Panchayats is challenged in a Civil Revision Application before the learned District Judge, wherein there is a delay and an application for condonation of delay is pending.

4. We have considered the circumstances and the submissions made. Indisputably, there is no stay of the order in operation, as of today. In such circumstances, when the order of the Additional Director of Panchayats is subsisting, there is no reason why the Second Respondent should not comply with the said order. In such circumstances, we find it appropriate to direct the Second Respondent to renew the Establishment Licence (Trade) which was initially granted in favour of the petitioner on 1/10/2010, subject to any order of stay or otherwise that may be passed in the Civil Revision Application stated to be pending before the learned District Judge, within two weeks from today. It is made clear that it would be open for the Second Respondent to take appropriate action in respect of any other alleged illegal structure/activities, in

accordance with law.

6. The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

F. M. REIS, J.

ssm.