

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 702 OF 2015

Mr. Francis Misquitta,
Major in age,
M/s. Flambee Bar & Restaurant,
H. No.234 (1/3),
Souza Waddo,
Candolim, Bardez, Goa.

..... Petitioner

V e r s u s

The Primary Health Centre,
Directorate of Health Services,
Candolim, Bardez, Goa.

..... Respondent

Mr. A. D'Silva, Advocate for the Petitioner.

Ms. S. Mordekar, Addl. Government Advocate for the Respondent.

CORAM: S. B. SHUKRE, J.

DATE: 1ST MARCH, 2016.

ORAL JUDGMENT:

Heard learned counsel for the petitioner and the learned Additional Government Advocate for the respondent. On behalf of the respondent, the Health Officer Mrs. Dr. Jasmin Pinto is present in Court.

2. Perused the record of the case including the impugned order dated 16/2/2015.
3. Rule. Rule made returnable forthwith.
4. Heard finally by consent of the parties.

5. It is seen that the impugned order has been passed without giving sufficient opportunity of hearing to the petitioner and, therefore, the impugned order cannot be sustained in the eye of law. As such, the impugned order dated 16/2/2015 passed by the Health Officer is hereby quashed and set aside. The respondent is directed to give adequate opportunity of hearing to the petitioner. The petitioner is directed to appear before the respondent/authority on 19/3/2016 at 11a.m. The petitioner shall produce all documents on which he seeks to place reliance, if he so desires. Petitioner shall cooperate with the respondent in completing the inquiry as expeditiously as possible and shall not seek any adjournment on unjustified grounds.

6. The respondent is at liberty to issue notice to the complainant, if it so desires and grant an opportunity of hearing to the complainant. The inquiry proceedings shall be disposed of as expeditiously as possible in accordance with law.

7. Rule is made absolute in these terms. No costs.

S. B. SHUKRE, J.

Ap/-