

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 387 OF 2016

MR. ANANT GOPINATH KESSARKAR. ... Petitioner
Versus
STATE OF GOA, THR. CHIEF SECRETARY
AND 2 ORS., ... Respondents

Mr. Sahish Mahambrey, Advocate for the Petitioner.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 4th April, 2016

P.C.:

Heard Shri Sahish Mahambrey, learned Counsel appearing for the Petitioner.

2. The above petition takes exception to the inaction on the part of Respondent no. 2 in processing the complaint lodged by the Petitioner on the ground that business is being carried based on the trade licence by the Respondent no. 3 who is the son of the original deceased tenant.

3. Shri Mahambrey points out that though a complaint was lodged before the Respondent no. 2 to take action, as the trade licence has not been transferred in the name of Respondent no. 3 and, as such, prayed for the cancellation of the trade licence as the original tenant had expired. It is also pointed out that though proceedings are in

progress no final decision has yet been taken. Learned Counsel further points out that though the proceedings have been initiated for eviction, it does not bar the Petitioner from moving the appropriate authorities to take action on account of the illegal activities being carried out by the Respondent no. 3. Learned Counsel has taken us through the proceedings to point out that the issue for cancellation is unnecessarily delayed.

4. We have considered the facts of the case and have gone through the records of the case.

5. It is not in dispute that there are proceedings initiated against the Respondent no. 3. The original trade licence was in the name of the deceased father of the Respondent no. 3 and a licence agreement was also executed in favour of deceased tenant. In such circumstances, as there are disputed questions which are being raised with regard to the alleged claim of the Respondent no. 3, we find that the question of exercising extraordinary jurisdiction under Article 226 of the Constitution of India, at this stage, would not be appropriate.

6. In any case, proceedings pending before the Respondent no. 2 shall be disposed of as expeditiously as possible on merits, in accordance with law. All the contentions of the parties are left open.

7. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr