

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 312 OF 2016

IN

WRIT PETITION NO. 222 OF 2016

DIRECTOR OF FISHERIES, GOVERNMENT
OF GOA.

... Applicant

Versus

SHRI. NANDA S. RAIKAR AND ORS.,

... Respondents

Mr. Sagar Gurudas Dhargalkar, Addl. Government Advocate for the
applicant.

Mr. J. Godinho, Advocate for the respondents.

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

Date:- 5th July, 2016

P.C.

Heard Mr. S. Dhargalkar, learned Addl. Government Advocate appearing for the applicant and Mr. J. Godinho, learned counsel appearing for the respondents.

2. The above application is filed by the applicant to modify an order passed by this Court dated 24.02.2016 while disposing of Writ Petition No. 222 of 2016. The learned Addl. Government Advocate appearing for the applicant points out that after the applicant had a site inspection, it realised that the auction directed by this Court cannot be carried out as it would be contrary to law. The learned Addl. Government Advocate has thereafter pointed out that when the initial process of auction was started, the applicant did not realise this aspect. It is further pointed out that as such the said order be

accordingly modified.

3. Mr. Godinho, learned counsel appearing for the respondents submits that the whole game plan of the applicant is not to comply with the direction issued by this Court and the allegations by the applicant are only a pretext as according to him similar auctions have taken place at different other sites. In support of the said contention Mr. Godinho, learned counsel appearing for the respondents has also produced the photographs with that regard and as such submits that the application be rejected.

4. We have considered the submissions of the learned counsel. The direction issued by this Court in the said order dated 24.02.2016 is in the context of the allegations made by the rival parties referred to therein. It is clearly directed that the auction initiated by the applicant would continue in accordance with law in view of the statement made by the learned Addl. Government Advocate. As such, the question of examining whether the applicant are justified in their contention referred to herein above would not arise at all in the present application.

5. Subject to the above observations, the application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

at*