

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 373/2016**

1. The Body of Members (Mazania)
Shree Rudreshwar Devasthan,
Harvale, Sankhalim, Bicholim, Goa
through its duly elected attorney
having Office at Office of
Managing Committee of Shree
Rudreshwar Devasthan,
Harvale, Sakhalim, Bicholim, Goa.

2. Mr. Sangesh Subhash Kundaikar,
of major age, married,
Resident of Vazri, Sakhali, Goa.

3. Mr. Yeshwant Shrikant Madkar,
of major age, married, resident of
Dabelwada, Harvale, Sakhali, Goa.

4. Mr. Subhash Narsinha Kinalkar,
of major age, married, resident of
Bhatwadi, Mayem, Bicholim, Goa.

5. Mr. Shatrughan Vithu Pednekar,
of major age, married,
resident of Shelpem, Mapusa, Bardez, Goa.

..... **Petitioners.**

Versus

1. The State of Goa
through the Secretary, Revenue,
Secretariat, Alto Porvorim,
Bardez, Goa,

2. The Collector of North Goa District
& Director of Civil District
Administration, Civil Administration

Branch, Collectorate Building,
Panaji, Goa.

3. The Administrator of Devalayas,
Bicholim Taluka, Office of
Mamlatdar of Bicholim,
Bicholim, Goa.

4. Mr. Yogesh Shiva Naik,
of major age, c/o Yogesh Traders,
near Panaji Municipal Market,
Panaji, Goa.

5. Mr. Rudresh Shiva Naik,
of major age, c/o Yogesh Traders,
near Panaji Municipal Market,
Panaji, Goa.

6. Mr. Pratap Shankarnath Naik,
of major age, c/o. The Administrator of
Devalayas, Bicholim Taluka,
Office of Mamlatdar of Bicholim,
Bicholim, Goa.

7. Shri Govind Biku Chodankar,
of major age, r/o Near Vithal Rakhumai
Temple, Mala, Panaji, Goa.

8. Mr. Rayu Dactu Naik,
of major age, c/o. The Administrator of
Devalayas, Bicholim Taluka,
Office of Mamlatdar of Bicholim,
Bicholim, Goa.

9. Mr. Drayendra Bhiku Chodankar,
of major age, r/o Near Vithal Rakhumai
Temple, Mala, Panaji, Goa.

10. Mr. Naresh Rama Zalmi,
of major age, Deulwada, Kudnem,
Sakhalim, Goa.

11. Mr. Tulsidas Govind Naik,
of major age, c/o. The Administrator of
Devalayas, Bicholim Taluka,
Office of Mamlatdar of Bicholim,
Bicholim, Goa.

12. Mr. Pandharinath Laxman Mapari,
major, resident of Shri Chamunda Prasad,
H.No.1792/3, Vidhyanagar,
Alto, Porvorim, Goa.

13. Mr. Ganoo Vast,
major, resident of House No.148,
Talwada, Quirim, Pernem, Goa.

14. Mr. Vidyadhar Naik,
Major, resident of Near Joggers Park,
VMCA, Behind Directorate of Sports,
Campal, Panaji, Goa.

15. Mr. Deepak Ganesh Naik,
of major age, married,
resident of Maina, Naveli,
Bicholim, Goa.

16. Mr. Sankalp Sadanand Pednekar,
of major age, unmarried, resident of
Tulsi Mala, Sattari, Goa.

17. Mr. Tulsidas Babuso Pednekar,
of major age, married,
Resident of Pilgao, Bicholim, Goa.

..... **Respondents.**

Mr. S. S. Kantak, Senior Advocate with Mr. P. Talaulikar, Advocate for the petitioners.

Mr. D. Lawande, Government Advocate with Mr. Rajesh Shivolkar, Addl. Govt. Advocate for the respondents No.1 to 3.

Mr. V. R. Tamba, Advocate for the respondents No.12 to 14.

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

Date : - 13/04/2016.

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

Heard Mr. S. S. Kantak, learned Senior Counsel appearing for the petitioners, Mr. D. Lawande, learned Government Advocate appearing for the respondents No.1 to 3 and Mr. V. R. Tamba, learned Counsel appearing for the respondents No.12 to 14.

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. Upon hearing the learned Counsel appearing for the respective parties, it appears that it is an undisputed fact that the

impugned order dated 11/03/2016 passed by the respondent No.1 was without giving a hearing to the Managing Committee of the subject Devasthan. Article 44(1) of the Devasthan Regulation, clearly provides that a hearing has to be given to the Managing Committee in case the respondent No.1 desires to take action to dissolve the committee. This view has also been taken by a Division Bench of this Court in the Judgment reported in 1999 (1) Goa L.T. 442 in the case of *Shri Shannum Pandu Parab Gaunkar vs. State of Goa and others*.

4. Considering the above undisputed fact, we find that the impugned order dated 11/03/2016 cannot be sustained on this short point and, as such, deserves to be quashed and set aside. Needless to say, any consequential order passed based on such order also cannot survive.

5. In view of the above, we pass the following :

ORDER

(I) The impugned order dated 11th March, 2016 and the consequential order dated 16th March, 2016, are quashed and set aside.

(II) The respondent No.1 shall proceed to take action, if they so desire, by complying with the principles of natural justice in terms of

Article 44 of the Devasthan Regulation.

(III) All contentions of both the parties are left open.

(IV) Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.

F.M. REIS, J.

ssm.