

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 413 OF 2016

SMT. FELICIDADE FERNANDES. ... Petitioner

Versus

STATE OF GOA, THR. CHIEF
SECRETARY AND 3 ORS., ... Respondents

Mr. Sanman R. Keny, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Additional Government
Advocate for Respondent Nos. 1 and 2.

Ms. Anjali Agarwal, Advocate for Respondent No. 3.

Mr. Carlos A. Ferreira, Advocate for Respondent
No. 4.

CORAM:- C.V. BHADANG, J.

DATE:- 16th JUNE, 2016.

ORAL ORDER:

Heard the learned Counsel for the parties.

2. By this petition, the petitioner is
challenging the order dated 08.03.2016 passed by
the learned Minister for Urban Development
(Respondent No. 2) in Municipal Revision Petition

No. MIN/UD/10/2015, which reads as under:

"Chief Officer of Margao Municipality is hereby directed to restore trade license No. MMC/TAX/LICENSE/L.No.408/98/99 and MMC/TAX/LICENSE/L.No.438/99/2000 in terms of law immediately".

3. The brief facts are that, on the basis of complaint lodged by the petitioner, the trade license of respondent no. 4 to run a bar and restaurant was cancelled by respondent no. 3, which was challenged by respondent no. 4 before the learned Minister for Urban Development (Respondent No. 2 herein).

4. The learned Counsel for the petitioner points out that although, the order challenged was passed by the Chief Officer i.e. respondent no. 3, he was not made a party in the aforesaid municipal revision petition. He also submits that the order is unreasoned and that the notice of the revision petition was not served on the petitioner.

5. On the contrary, the learned Counsel for the respondent no. 4 points out that the petitioner was aware of the pendency of the municipal revision petition and this fact is suppressed in the petition.

6. The learned Additional Government Advocate for respondent nos. 1 and 2 submits on instructions, that the respondent no. 2 shall rehear the parties and shall pass appropriate orders in accordance with law.

7. The learned Counsel for respondent no. 4 states that he will implead respondent no. 3 as a party-respondent in the municipal revision petition. The statement is accepted.

8. In that view of the matter, the following order is passed, by consent of the parties:

O R D E R

(a) The petition is allowed.

(b) The impugned order dated 08.03.2016 is hereby set aside.

(c) The municipal revision petition is restored to the file of respondent no. 2 for disposal according to law.

(d) The parties or their representative/s shall remain present before the learned Minister for Urban Development i.e. Respondent no. 2 on 07.07.2016 at 4:30 p.m. or any other date as may be fixed by respondent no. 2.

(e) The parties shall maintain status quo for a period of one month from today.

(f) All rival contentions of the parties are left open.

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

C.V. BHADANG, J.