

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 379 OF 2016

IN

WRIT PETITION NO. 830 OF 2015

THE CHIEF OFFICER, MARGAO
MUNICIPAL COUNCIL, MARGAO

... Applicant

Versus

SHRI. DILIP TRIMBAK ALVE AND ANR.,

... Respondents

Mr. Sandesh D. Padiyar, Advocate with Ms. Anjali Agrawal,
Advocate for the Applicant.

Advocate Ms. Neha Shirodkar holding for Advocate Mr. Vibhav
Amonkar for the Respondent no. 1.

Mr. Pravin Faldessai, Additional Government Advocate for the
Respondent no. 2.

Coram:- C. V. BHADANG, J.

Date:- 28th April, 2016

P.C.

Heard the learned Counsel for the parties.

2. This is an application for speaking to minutes of the judgment and order dated 10/03/2016 in W.P.No.830/2015 passed by this Court (S. B. Shukre, J.) According to the applicant (who is the respondent no.1 in the aforesaid Writ Petition), there is an error in recording the submissions on behalf of the applicant, in para 4 of the judgment. It is submitted that although this Court has recorded that the learned Counsel for the present applicant (i.e. respondent No.1 in the Writ Petition) has supported the impugned order and that it would be wrong to say that no remedy of appeal has been provided against the order passed under Section 184A of the Act of 1968, the contention is

that the learned Counsel for the applicant had not supported the impugned order and according to him, the remedy of appeal was not available. The applicant is seeking correction to that effect.

3. Normally, such an application can be properly dealt with by the same Judge, who has passed the order. However, as per the present assignment, the learned Judge is not sitting at Goa and the application is placed before this Court as per the extant assignment.

4. It may be significant to note that the applicant is not challenging the reasoning or the final order passed in Writ Petition No.830/2015. The applicant is only seeking correction of the submissions as recorded in para 4 of the judgment.

5. The learned Counsel appearing for the original petitioners has no objection for allowing the application.

6. In such circumstances, by consent of the parties and considering the limited relief claimed, the following order is passed :

ORDER

(i) Delay of 7 days in filing the application is condoned.

(ii) The submissions as recorded in the opening part of para 4 of the judgment dated 10/03/2016 in W.P.No.830/2015 shall be corrected as under :

"Shri Padiyar, the learned Counsel for the respondent no.1 did not support the impugned order. He submits that no remedy of appeal has been provided against the order passed under Section 184A of the Goa Municipalities Act, 1968 and that the Appellate Tribunal

was not empowered to pass the order of removal of seal,
in an appeal, filed under the Act."

(iii) Necessary correction may be made in the order.

5. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

msr