

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 949 OF 2016

MR. STANLEY DE BRAGANZA AND 2
ORS.,

... Petitioners

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 5 ORS.,

... Respondents

Mr. J. Abreu Lobo, Advocate for the petitioners.

Mr. S. Dhargalkar, Additional Government Advocate for respondent
nos.1 to 5.

Mr. S. Sarmalkar, Advocate for respondent no.6.

Coram:- SMT. R. P. SONDURBALDOTA &
C. V. BHADANG, JJ.

Date:- 24th November, 2016

P.C.

The petitioners made complaints dated 16th June, 2016, 28th June, 2016 and 2nd July, 2016 to respondent no.4, Director of Vigilance alleging manipulation of public records, alteration of Government records by forgery, creation of false document etc., committed by the persons in relation to properties situated in village Anjuna. It is alleged that manipulation of Government records was done with the sole intention and purpose of protecting illegal structures in the area, which are situated at prime locations, that would be affected by CRZ notification.

2. Mr. Lobo, the learned Counsel for the petitioners concedes that

the petitioners are not personally affected by any of the acts alleged in the complaints. Further, the present petition is not filed as Public Interest Litigation. In these circumstances, the petition as filed for the writ of Mandamus, directing the respondents to initiate action on the complaints filed by the petitioners and complete the enquiry in accordance with law within a stipulated period, would not be maintainable. The petition is, therefore, liable to be dismissed for this reason alone.

3. Nonetheless, Mr. Dhargalkar, the learned Additional Government Advocate appearing for respondent nos.1 to 5 states that respondent no.4, the Director of Vigilance has, by his communication dated 11th July, 2016 to the Collector, North Goa, asked to conduct enquiry into the matter by verifying the allegations made in the complaints pertaining to his department and submit a report to the directorate at the earliest. On the complaints made by the petitioners, an FIR has also been registered vide FIR No.264/2016 dated 13th September, 2016 and the same is under investigation. Considering the nature of the complaints made, the Superintendent of Police, North Goa, by his letter dated 19th November, 2016, has communicated to the Director of Vigilance that the complaints now stand transferred to Anti Corruption Branch of Directorate of Vigilance. This will show that respondent nos.1 to 5 have immediately moved into action on the complaints of the petitioners. As regards respondent no.6, Mr. Sarmalkar, the learned Counsel

appearing for it, has made a statement that it has already started an enquiry into matter. Thus, even otherwise there is no merit in the petition filed. The petition is, accordingly, dismissed.

C. V. BHADANG, J.
SMA

SMT. R. P. SONDURBALDOTA, J.