

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1045 OF 2016**

ANDRE ANTONIO AGNELO DA PIEDADE
PEREIRA.,

... Petitioner

Versus

UNION OF INDIA THR. ITS SECRETARY
AND 2 ORS.,

... Respondents

Petitioner in person.

Shri Mahesh Amonkar, Central Government Standing Counsel for
Respondent No. 1.

*Necessary
corrections carried
out in terms of order
dated 27.07.2017
passed in Civil
Appln. (Review) No.
4/2017*

Shri S. Lotlikar, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for Respondent Nos. ~~2~~ and 3.

Coram : SMT. R.P. SONDURBALDOTA &

C.V. BHADANG, JJ.

RESERVED ON:- 1st DECEMBER, 2016

PRONOUNCED ON:- 7th DECEMBER, 2016

ORDER: (Per C.V. Bhadang, J.)

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We have heard the petitioner in person and Shri
Amonkar, the learned Central Government Standing Counsel for
the respondent no. 1. We have also heard the learned Advocate
General for the respondent nos. ~~2~~ and 3.

2. The petitioner, who is a lawyer by profession is
appearing in person. By the present petition, he seeks following
substantive reliefs:

"a) That this Hon'ble Court may be pleased to call upon the respondents to produce any record showing compliance given by the Central Government in pursuance of the Goa, Daman and Diu (Administration) Act, 1962 to duly constitute Revenue District of the Government to cover all the four (4) Goa Assembly Constituencies in Mormugao Taluka and upon perusing of the same be pleased to issue an appropriate writ, order or directing thereby quashing and striking down the maintaining of the Electoral Rolls covering all the four (4) Goa Assembly Constituencies in terms of provisions of Representative of the People's Act, 1951.

b) For a Writ of Prohibition or Writ of the nature prohibiting and or any order in the direction to restrain the concern authorities of assuming the authority and power the provisions of the Representative of the People's Act, 1951 to conduct any Election by making use of any Election Roll in existing Sub Fiscal District of Mormugao in the absence of giving compliance to the law made by Parliament and pending the filing of Report by the concerned Chief Secretary of Goa for the disposal of Petition filed before H.E. President of India in terms of Article-244 of Constitution of India."

3. In the lengthy petition running into 45 pages, the petitioner traces the history of his village from the Portuguese times, going as far back as the year 1510. What we could gather from the long winding averments in the petition, the prayers in the petition and the submissions advanced by the petitioner, is that the grievance of the petitioner is about the electoral rolls maintained under the Representation of People's Act and the Registration of Elector's Rules. The petitioner submits that there is no duly appointed Collector for the Revenue District comprising of the four constituencies of Mormugao Taluka in South Goa Revenue District. The contention is that in the absence of proper constitution of Revenue District, headed by a District Collector, the Electoral Rolls could not be said to be properly drawn. The petitioner has also raised certain contentions based on the provisions of Code of Comunidades and the Diploma Legislative No. 2070 dated 15.04.1961, which was then in force, in Goa which was erstwhile Portuguese Territory.

4. The petitioner refers to decision of the Hon'ble Supreme Court in the case of **Devanagere Cotton Mills Ltd. Vs. Deputy Commissioner, Chitradurga and Another, AIR**

1961 SC 1441, wherein it was inter-alia held that in view of Sections 2(a) and 7 of the Cotton Cess Act, the powers of the Collector could be exercised by Deputy Commissioner in Mysore State. We are unable to see the relevance of the decision.

5. On hearing the parties, we are not inclined to entertain the petition. The petitioner has not been able to show as to how the four Goa Assembly Constituencies in the Mormugao Taluka are not legal or the appointment of the Collector in the Revenue District of South Goa is not legal and proper. In fact, we are constrained to say that there are no clear grounds made out, much less substantiated, for grant of the prayers, which are sweeping and drastic in nature.

6. The petition is misconceived and is without any merit and is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.

R.P. SONDURBALDOTA, J.

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