

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITIONS NO. 936 & 1006/2015****WRIT PETITION NO. 936/2015**

1) Mr. Atanasio Monseratte, s/o.
Joe Monserrate, major of age,
r/o. Taleigao, Tiswadi, Goa.

2) Krishna Ramdas Shirodkar @ Milind,
major of age, r/o. H.No.99,
Mala, Panaji, Goa.

3) Prajyot Vaigankar,
major of age, r/o. H.No.14,
Yeshwant Niwas,
Bhatlem, Panaji, Goa.

..... Petitioners.

V/s.

1) State of Goa, through Chief Secretary,
Secretariat, Porvorim, Goa.

2) Directorate of Municipal Administration,
through its Director, Collectorate
Building, Panaji, Goa.

3) Goa State Election Commission,
through its Commissioner,
Altinho, Panaji, Goa.

..... Respondents.

WRIT PETITION NO. 1006/2015

1) Mr. Bento Lorena,
major of age, resident of H.No.460,
Tonca, Caranzalem, Goa.

2) Uday V. Madkaikar,
major of age, r/o. H.No.129,
Madkaikar Nagar,
Bhatlem, Panaji, Goa.

..... Petitioners.

V/s.

1) State of Goa, through its Chief Secretary,
having office at Secretariat, Porvorim, Goa.

2) Director of Municipal Administration,
having office at Collectorate
Building, Panaji, Goa.

3) State Election Commissioner,
Office of the Goa State Election Commission,
Altinho, Panaji, Goa.

..... Respondents.

Mr. Nitin Sardesai, Senior Advocate with Mr. L. Raghunandan,
Advocate for the Petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Mr. D. Lawande,
Government Advocate for the Respondents No.1 & 2.

Mr. S.N. Joshi and Ms. Sonia Shetye, Advocates for the respondent
No.3.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 4TH JANUARY, 2016.

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

Heard Mr. Nitin Sardesai, learned Senior Counsel
appearing for the petitioners, Mr. A.N.S. Nadkarni, learned Advocate

General appearing for the respondents No.1 and 2 and Mr. S.N. Joshi, learned Counsel appearing for the respondent No.3.

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

3. The main grievance of Mr. Nitin Sardessai, learned Senior Counsel appearing for the petitioners is that the delimitation process has to be completed, according to him, at least 30 days before issuance of Notification of the subject municipal elections by the Respondent No.3. The learned Senior Counsel further points out that even the reservation of seats in terms of Section 10 of the City of Corporation of Panaji Act, 2002 has to be completed, according to him, at least 30 days prior to issuance of such a Notification. The learned Senior Counsel, however, submits that a reasonable time limit of at least 15 days is to be fixed to complete the exercise of reservation of seats.

4. Mr. A.N.S. Nadkarni, learned Advocate General appearing for the respondents No.1 and 2, upon instructions of the Director of Municipal Administration who is present in the Court, states that the

Notification with regard to delimitation in terms of Section 9(2) of the City of Corporation of Panaji Act, 2002 would be issued on or before 11th January, 2016. But, however, according to the learned Advocate General no time limit can be fixed by the Court to notify the reserved seats, as it is a legislative process and the statute itself does not provide for any time limit.

5. Mr. S.N. Joshi, learned Counsel appearing for the respondent No.3 points out that such an exercise of notifying the reserved seats has to be carried out with the consultation of the State Government and according to him, in normal course, such process takes about 15 days.

6. Taking note of the aforesaid submissions, we accept the statement of the learned Advocate General that the Notification with regard to delimitation in terms of Section 9(2) of the City of Corporation of Panaji Act, 2002 would be issued on or before 11th January, 2016.

7. As far as the Notification, notifying the reserved seats is concerned, we find that a reasonable time-gap would be justified

between date of such Notification and the date of Notification for the subject Municipal election.

8. In such circumstances, we direct the concerned authorities to take all steps to issue such notification, notifying the reserved seats preferably 10 days prior to issuance of such notification for the subject Municipal election.

10 Rule stands disposed of in the aforesaid terms, with no order as to costs.

K.L. WADANE, J.

F.M. REIS, J.

ssm.