

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 28/2017**

Shri Sanjay Khajankar,
son of S. Khajankar,
aged 39 years, Indian National,
resident of House No.519,
Near Govt. School, Haddiye vada,
Mardol, Goa. Petitioner.

V/s.

1) Registrar of Co-operative Societies,
Ex-Officio & Joint Secretary to the
Government of Goa, having Office at
“Sahakar Sankul” 4th & 5th Floor,
EDC Complex, Patto,
Panaji-Goa 403 001.

2) State of Goa, through its
Chief Secretary, having
Office at Secretariat,
Porvorim, Bardez, Goa. Respondents.

Mr. Devidas J. Pangam, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. D. Shirodkar, Additional
Govt. Advocate for the respondents.

**CORAM :- F.M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date : - 25/01/2017.

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

Hear Mr. Devidas J. Pangam, Advocate for the petitioner and Mr. S. D. Lotlikar, learned Advocate General appearing for the respondents.

2. Rule. Learned Additional Govt. Advocate appearing for the respondents waives service. Heard forthwith, with the consent of the learned Counsel.

3. After hearing the matter for sometime, Mr. S. D. Lotlikar, learned Advocate General appearing for the respondents makes a statement that in view of the settled position of law, the respondents shall revoke the order extending the suspension dated 4 January 2017 which had otherwise lapsed on 23 September 2016. The learned Advocate General, however, points out that the keys of one cupboard which was existing in the Office occupied by the petitioner had not been handed over and, according to him, the records therein are relevant for the inquiry under consideration. The petitioner, who is present in the Court, however, points out that the keys of the concerned cupboard have already been handed over to the concerned Official

though he has no records with that regard.

4. Hence, without prejudice to the rival contentions with that regard, the respondent No.1 is permitted to break open the concerned cupboard in the presence of the petitioner today, at 3.00 p.m. in the Office of the respondent No.1 and prepare a Panchanama/records of the documents and other material found therein and furnish a copy thereof to the petitioner.

5. In view of the above, we pass the following Order :

(A) The impugned order dated 4 January 2017 extending the suspension, is quashed and set aside. Consequently, the suspension gets revoked on 23 December 2016, with all legal consequences.

(B) The respondents are permitted to break open the lock of the cupboard in the light of the observations made herein above.

(C) Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.

F.M. REIS, J.

ssm.