

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 156 OF 2017

SHRI. SEBASTIAN VALES., ... Petitioner
Versus
STATE OF GOA, THR. CHIEF SECRETARY
AND 3 ORS., ... Respondents

Shri K. Noorani, Advocate for the petitioner.
Shri D. Shirodkar, Addl.Govt. Advocate for the respondent
nos.1,2 and 4.
None present for the respondent no.3.

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

Date:- 9th February, 2017

P.c.

Heard Shri K. Noorani, learned Advocate appearing for the petitioner and Shri D. Shirodkar, learned Addl.Govt. Advocate appearing for the respondent nos.1,2 and 4.

2. The grievance raised in the above petition is with regard to the election intended to be conducted of a housing society on 5.3.2017. Shri Noorani, learned Advocate points out that there are irregularities in the functioning of the society itself and according to him, some of the members of the Board of Directors are liable to be disqualified and in fact proceedings have been initiated before the respondent no.2 which are pending for a decision though arguments were concluded somewhere on 23.11.2016. The learned Advocate further points out that as the

members of Board of Directors are likely to be disqualified, the question of holding a election without taking a decision on such disqualification petition would be unreasonable and unjustified. The learned Advocate also pointed out that there is a dispute with regard to voters list and as such, unless this exercise is completed, it would not be appropriate to proceed with the subject election which is fixed on 5.3.2017.

3. On the other hand Shri D. Shirodkar, learned Addl. Govt. Advocate for the respondent nos.1,2 and 4 upon instructions of the respondent no.2 has pointed out that though arguments were concluded on 23.11.2017, nevertheless the Presiding Officer of the office of the Assistant Registrar was transferred and as such, the new incumbent has to hear fresh arguments in the petition. The learned Addl. Govt. Advocate further submitted that the present incumbent is on election duty and that such disqualification petition will be finally disposed of within two months from today. The learned Addl. Govt. Advocate further points out that as far as the voters list is concerned, the respondent no. 2 after hearing the objections of the concerned persons had directed the society to prepare the voters list accordingly which has being duly prepared and submitted to the Presiding Officer for holding the election. The learned Addl. Govt. Advocate further points out that the contention of the petitioner that there has to be further hearing with that regard is totally unjust.

4. We have considered the submissions of the learned Counsel and we have also gone through the records.

5. Considering the contentions of the learned Addl. Govt. Advocate, we find that the grievance of the petitioner that the disqualification petition has to be disposed off expeditiously is worked out, as the learned Addl. Govt. Advocate pointed out that the petition would be disposed off within two months from today.

6. As far as the dispute with regard to the voters list, at this stage we find that examining the objection raised by the petitioner would not at all be justified. The petitioner can always raise such contention at any appropriate stage in accordance with law. The petition stands disposed off in the light of the observations made herein above. All the contentions of the parties are left open.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.