

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.474 OF 2017

Dinesh George Dias & Anr Petitioners.

Versus

Rajan N. Siraswar & Ors Respondents.

Mr. Nigel Da Costa Frias, Advocate for the Petitioners.

Mr. D. Zaveri, Advocate for Respondent No.1.

Mr. J.A. Lobo, Advocate for Respondent No.2.

Mr. Dattaprasad Lawande, Advocate General with Ms. Neha Kholkar, Addl. Government Advocate for Respondent Nos.3 & 5.

***Coram : N.M. Jamdar &
Nutan D. Sardessai, JJ.***

Date : 6 November 2017.

P.C.:

Heard the learned Counsel for the parties.

2. Considering the issue raised in this petition, we find that inquiry into the facts will be necessary and therefore it is not possible

for us to adjudicate this issue at the first instance. We therefore, direct Respondent No.3 to consider the petition of the Petitioner as a representation and take a decision thereupon on its own merits after hearing the parties.

3. The learned Counsel for Respondent No.1 sought to contend that the cause of action is barred by laches and the learned Counsel for the Petitioner contended that there are no laches and what is being challenged is the change of user. We are not going into this aspect as well as the merit of the rival contentions. We would leave it open in case further litigation arises. Respondent No.3 will decide the representation within a period of six weeks from today.

4. Needless to state that if there are any complaints pending between the Petitioner and the private Respondent inter se before the Authority they would be taken to its logical end within a reasonable period.

5. Writ Petition is accordingly disposed of.

Nutan D. Sardesai, J.

N.M. Jamdar, J.